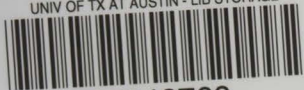


UNIV OF TX AT AUSTIN - LIB STORAGE



07942768

THIS IS AN ORIGINAL MANUSCRIPT
IT MAY NOT BE COPIED WITHOUT
THE AUTHOR'S PERMISSION

LIFE OF GEORGE W. SMYTH

Approved:

Rupert N. Richardson
Charles W. Hackett
R. N. Montgomery

Approved:

Dean of the Graduate School
August , 1931.

LIFE OF GEORGE W. SMYTH

THESIS

Presented to the Faculty of the Graduate School
of The University of Texas in Partial
Fulfillment of the Requirements
for the Degree of
Master of Arts

by

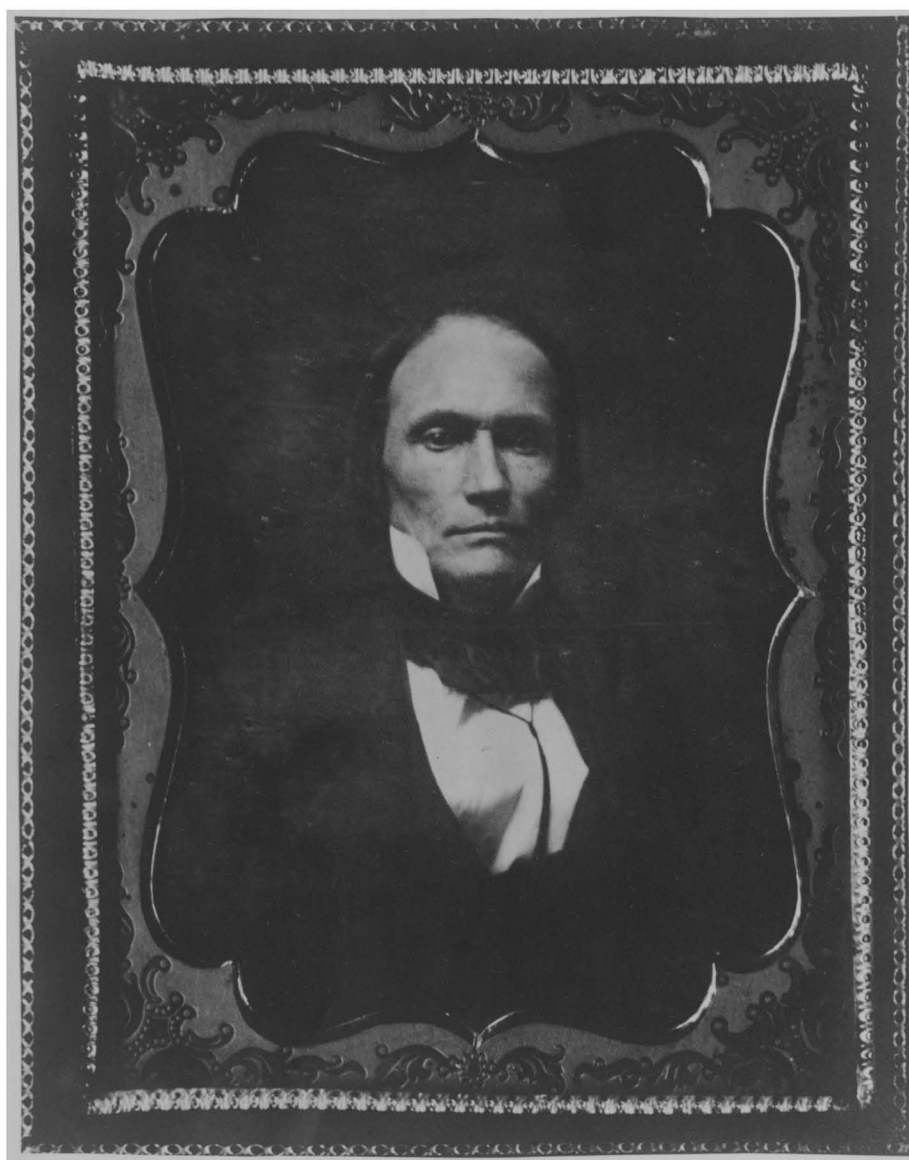
Elbert Jefferson Myers, B. A.

(Gulf, Texas),

Austin, Texas

August, 1931

370574



PREFACE

This study of the life of George W. Smyth is based principally on the collection of Smyth's letters in the University of Texas Archives. These letters themselves have little meaning unless interpreted as a part of the history of those events with which Smyth was associated. For this reason I have endeavored to construct a historical background of the most important periods of Smyth's career.

I am indebted to Mrs. Mattie Austin Hatcher for the suggestion of such a splendid character as George W. Smyth for a ~~the~~sis subject. Her interest in his many letters was very necessary and helpful in their application to the history of the times. Miss Winnie Allen was a constant encouragement by her reading of difficult letters and her suggestions that led to much valuable material. It was a pleasure to work with them. Dr. R. N. Richardson was at all times very willing and patient in offering help as well as advice.

Elbert Jefferson Myers

The University of Texas,
August, 1931.

TABLE OF CONTENTS

Chapter		Page
	INTRODUCTION	
I.	EARLY CAREER IN TEXAS.....	5
	Making Acquaintances.....	5
	A Texas Surveyor.....	7
	Texas Disturbances.....	27
	Member of the Consultation of 1833.....	38
II.	EAST TEXAS LAND COMMISSIONER.....	43
	Learning the Texas Land System.....	43
	Association with the Speculators.....	51
	Land Commissioner.....	63
III.	SERVING THE REPUBLIC AND THE STATE OF TEXAS.	73
	Member of the Constitutional Convention of 1836.....	73
	Running the Texas-United States Boundary.	78
	A Statesman of the Republic.....	97
	Texas Land Commissioner.....	100
	In Congress.....	105
	Smyth's Last Public Service.....	110

INTRODUCTION

Andrew Smyth was born in Germany sometime during the year 1740. He, like his middle class father, was brought up to be a millwright. He was a product of a restless period of expansion to new horizons in Germany. At an early age Andrew Smyth ran away from home. He was without money and wished to see the world and this, together with the wonderful stories of America he heard from the sailors of Bremen, probably accounts for his decision to come to the new world.

America had just freed herself from England when Smyth came as an indented servant to the state of North Carolina.¹ There is no record of his wife, whether she

¹ George W. Smyth to Z. William Eddy, September 18, 1857, Smyth Papers, University of Texas Archives. (Unless otherwise stated, all letters referred to hereafter are to be found in the Smyth Papers, University of Texas Library.)

came from Germany or not. It appears from all the evidence, however, that she was also of German descent.

To this struggling young German couple was born, among other children, a son, whom the mother named Andrew after his father. This particular son was educated to become

a millwright like his father. Seemingly the middle age tradition still clung to this family. But this young man had most of the American characteristics also, for he selected a wife of Scotch Irish descent. Andrew Smyth, Junior, married some time during the year 1802, for letters show that George Washington Smyth, son of this Andrew Smyth, was born May sixteen, 1803.²

2

Smyth to Eddy, September 18, 1857. This letter will be referred to often. It is a short, sketchy autobiography written by Smyth to his old friend Z. William Eddy. It is among the Smyth Papers in Texas University Archives.

Andrew Smyth, Junior, must have heard the wonderful stories of the frontier, current at that time. At any rate, he set out on a journey to Tennessee in 1806. George Smyth said that his father brought all of his tools with him into Tennessee. As far as he knew the trade of millwright as taught him by his father, was all the education that Andrew Smyth ever received.

According to George W. Smyth:

My parents, though blessed with few of the advantages of education or fortune, were honest and industrious in an exemplary degree, and meritorious in all their relations. My father was a millwright by trade, and of German descent, his father having been born in Germany. My mother was of Scotch Irish origin. My father resided in Tennessee until the year 1807, when he emigrated to Alabama. He began to clear a farm near Moulton, Alabama in Montgomery County. He later

acquired more land and lived at this place until his death in 1854 .³

³

Smyth to Eddy, September 18, 1857.

Sometime during the year 1815, George W. Smyth was placed in a retail drug store in Fayetteville, Tennessee, with Robert Dickson, an Irishman. This young Irishman was very strict and methodical in his business habits. Smyth remained with Dickson for some three years, and it seems that here he learned the art of mixing with people and making friends. In the meantime Andrew Smyth had moved with the remainder of his family to Moulton, Alabama. About a year later (1818) young Smyth followed his father into Alabama.⁴

⁴

Smyth to Eddy, September 18, 1857.

The only record of the boy's education showed that he attended school for the next two years back in Tennessee. In 1820, he spent four months as a student of Mr. William Williford, a celebrated practical mathematician of Maury County, Tennessee. Again, the next summer, the boy attended the school, but this time he remained for some eight months. Young Smyth stated later in life that Williford was the most practical mathematician he ever knew. Most of this time was devoted to mathematical studies, though a part was necessarily

given over to English Grammer and Geography. The rudimentary elements of mathematics that he acquired were afterwards considerably improved by study at the new home fire side in Alabama.⁵

⁵

Smyth to Eddy, September 18, 1857.

George W. Smyth was by now over twenty-one years old and a man in every sense of the word. His education was mostly of his own self-teaching, and fairly good for a frontier state like Alabama. He knew what he wanted to do, and that was unusual too, for a boy in such a backwoods place. There is no evidence ^{to} as/when he made up his mind to become a surveyor and pay for a new home in Texas, but some time before January of 1829, he determined to try his fortune in Texas.

CHAPTER I

EARLY CAREER IN TEXAS

In the year 1829, greatly in opposition to the wishes of his parents, George W. Smyth determined to make the trip to Texas. Smyth himself gives us a good narrative of his first days in Texas.

I determined to try my fortune in Texas, and on the twentieth of January 1830, like Columbus, I sat out on my voyage into the great unknown ocean of adventure.

On the Eleventh of February, 1830, I crossed the Sabine River--while it was low and I was on horse back--and on the fourteenth arrived in the town of Nacogdoches. Three weeks after I left home, I had arrived in Nacogdoches with a lame saddle horse. I had traveled some 550 miles. Goods sold in Nacogdoches at least one hundred per cent higher than in Moulton--Alabama. The most valuable trade was that carried on with the Indians. It would seem that this town was Universal Congress. Every language, almost, was spoken here. I have been told there are at least thirty different languages spoken here. There was nothing but itinerant trading carried on with the Indians, and this was done with pack horses. My prediction is that no enterprise of that kind can ever be very successful. Human nature may be seen here in all its vanity--from entire nudity to genteel costumes; from intelligence to beastly ignorance; and from honorable men to the sediment of creation.

William Cusy of Alexandria has offered to make a selection of land for me, which I think I will accept. He has lately made a trip through Austin's and DeWitt's Colonies and discloses that it is impossible to make a good selection of land in those Colonies. His next town will be below Alexandria near Galveston Bay, where he expects to locate.

There was a great deal about the old town to excite the wonder of one so inexperienced. The three hundred

mexican troops who then occupied this town under General Piedras looked ridiculous in their peculiar uniforms and still more peculiar personal appearance. The soldiers celebrate mass in the streets every Sunday. Contrary to all preconceived notions of propriety, even the Priest participates in their fandangoes on this occasion. Then too, there was a great number of Indians of almost all tribes in Texas that frequented this town for the purpose of trading. All were strange indeed to one who had so little experience in such matters.

There were but few American families, in fact, few of any kind except Mexican families, then in Nacogdoches. Juan Antonio Padilla, Commissioner General of Coahuila and Texas, accompanied by General T. J. Chambers to command the increased military force, had arrived but a short time previous, and to them all eyes seemed to be turned from the time they were known to be coming until they left about a year later. It seemed to offer to the people a real opportunity of procuring titles to their lands, which was always the most vital subject of absorbing interest to them.

It was not my object when I arrived in Nacogdoches to remain there at all, my destination was Austin's on the Brazos and Colorado Rivers, but my horse had been lame for some time, and the long unsettled road between San Felipe and Nacogdoches was discouraging for one so unaccustomed to such things as traveling alone. I therefore, at the solicitation of some of the citizens, agreed to remain a short time and teach their children.⁶

6

A search of the Nacogdoches Papers, Texas State Library, reveals this as the earliest Nacogdoches School on record.

After remaining about a month, I received from the Commissioner through General Chambers, an appointment as surveyor for what was then called Bevils' Settlement down on the Angelina River. These early settlers all showed a friendly interest in my welfare even when I was an entire stranger among them. Particularly the Honorable Thomas F. McKinney, who was a citizen of that place.⁷

⁷
Smyth to Chambers, February 10, 1830.

On the first of April 1830, George W. Smyth arrived at the house of John Bevil, where the town of Jasper now stands, and commenced his surveying operations immediately. Bevil's sitio, or league of land, was surveyed first. It was a rich bottom country with tall grass and long moss hanging from the trees in typical coast country fashion. The foliage of the magnolia was rich, the cane brakes dense, and the ⁿperennial streams of water were numerous. Bevil reported that the country had been healthy. Smyth wrote: "Bevil's Settlement was as near an earthly paradise as could be found."⁸

⁸
Smyth to Thomas F. McKinney, April 10, 1830.

These people accepted Smyth as a fellow citizen with open arms, for he was their only hope to get possession of their lands. They were not even citizens of Mexico, and could be deported at any time, until they took the oath as citizens that accompanied the receiving of land titles. Their homes were subject to being taken until they obtained titles. Commissioners were coming and going too often for them to get lands surveyed and then ^{to} get the claim converted into a title. They had to start over with each new Commissioner. But with Smyth living among them, they could be ready with

the claim when a Land Commissioner arrived, and have a better chance to get title to their lands before he left again.

Smyth continued his work until the March rains flooded the lowlands and forced him to stop work. Thomas F. McKinney, who had been recommended by the commissioner for seven leagues of land, came to Bevils' Settlement. M^cKinney's land was to be surveyed on the right bank of the Neches River near its mouth. M^cKinney brought with him the first copy of the Advocate published in Nacogdoches. It was printed half in Spanish and half in English. The paper was small, but Smyth remarked that it was valuable because such news as it contained could not grow from time to time, as did most of the news they obtained by word of mouth. M^cKinney also reported in March that a copy of the Niles' Register had been seen in Nacogdoches.⁹

9

Smith to Dr. J. A. Cambell, June 1, 1830.

In 1829, Manuel Terán was made Comandante General of the Eastern Mexican States, and at once began to occupy Texas with troops, and ^{to} urge national laws to hold Texas. The Guerrero government was too busy at home, but when M. C. M. Bustamante took charge of the government in 1829, Terán sent his Lieutenant Constantino Tarnova, to lay before the authorities at Mexico City a full report of Texas conditions,

his plans to remedy them, and various measures to make his military plans more effective. In January 1830, Lucas Alamán,⁹ the new Minister of Relations, laid these and his own recommendations before Congress, and the law of April 6, 1830 resulted. It was made effective the day it was passed.¹⁰

10

E. C. Barker, "The Texas Land System", in The Southwestern Historical Quarterly, XVI, 370-376.

The Decree of April 6, 1830, was an attempt to unite Texas more closely to Mexico, and break those ties with the United States. The principal effect of the law was to stop immigration from the United States to Texas. The Fredonian rebellion, the large number of Americans in Texas, the United States' efforts to buy Texas, determination of the colonists to hold slaves, racial differences, and natural prejudice were some of the causes of the new law.

The law of April 6, 1830 provided for: (1) the military occupation of Texas, (2) counter colonization with Mexicans and Europeans, particularly by Swiss and German immigrants, (3) the development of an economic bond between Texas and the rest of Mexico by establishing coast-wise trade, (4) the prohibition of further introduction of colonists and slaves from neighboring countries (5) the suspension of all

contracts that had not been made effective by some settlement actually carried out, were to be suspended.¹¹

¹¹

E. C. Barker, Life of Stephen F. Austin, 304.

Some time in June, 1830, the office of Commissioner General for Texas--the man who looked after issuing land titles--was made vacant by the arrest of Juan Antonio Padilla by General Manuel Terán. Considered in the light of state and national affairs this marked the beginning of Mexican centralism in Texas. Terán was the author of all except the prohibition of American immigration in the new law. Had Terán lived and remained both special commissioner and military governor of Texas, the story might have been different. But the fruit of his labors was destroyed by Santa Anna's overthrow of the Bustamante government.

This momentary placing of Texas under Terán's military rule, allowed him to arrest the Texas Land Commissioner for violating the law of April 6, 1830. This act left that office vacant. There was no one else to issue claims for land titles, hence no need for surveyors.

More soldiers were to be stationed at Nacogdoches, the head of Galveston Bay, and other places along the coast. Some of these soldiers were convicts transferred from Mexican prisons, who were to be given homes at the expiration of

their period of service. General Terán, had gone so far as to issue orders that passports should be given only to those who gave evidence of destination to Austin's Colony. Terán forwarded copies of these orders to each of his commanders in Texas, with orders to turn back all who did not show such passports.¹² The effect of this at Nacogdoches

¹²
Breedlove to Teran, Austin Papers, II, 640, September 26, 1830.

was soon apparent. On October 29, Frost Thorn wrote Austin from Nacogdoches that Colonal Piedras was admitting none without passports or a signed contract with Austin.¹³

¹³
Frost Thorn to S. F. Austin, Austin Papers, II, 702, October 29, 1830.

J. M. Tornel, the Mexican Chargé De Affaires² at Washington had published in American newspapers² that all further settlement of Americans in Texas was absolutely prohibited and that those who had entered were "liable to be expelled."¹⁴ This is the reason why so few people came into

¹⁴
Henry Austin to S. F. Austin, Austin Papers, II, 220, March 30, 1830.

East Texas seeking land. They could not get there without

dodging Piedras and his troops. That was easy enough, but the commissioner's office was vacant, and that left them without means of acquiring property for a home. But when they could get everything they were looking for by obtaining one of the signed passports that Frost ~~Thom~~ was giving out as Austin's agent, why should they stay in East Texas, where they were "liable to be expelled"?

This left George W. Smyth without applications for immediate surveys for titles. He continued to survey at intervals, however, while he was in the settlement. Though the obligations thus created were moral rather than legal he very rarely found difficulty in making a settlement with the people. There was no law in the country now except military rule in Nacogdoches. "There was but little need for it", Smyth wrote.¹⁵ Everywhere he turned he found dis-

¹⁵

George W. Smyth to Andrew Smyth, August 20, 1830.

interested kindness and hospitality. This came to ~~be~~, by this time, his "old home" as he expressed it in his many letters.

After remaining a short time with John Bevil, Smyth spent the "balance of the season" in Joseph Grigsby's home. Here he became acquainted with Francis Grigsby, Joseph Grigsby's daughter and his future wife.¹⁶

16

Smyth to Eddy, September 18, 1857.

In a letter to his old Alabama friend, John Gallagher, Smyth wrote:

If Mexico wishes to retain Texas, she is pursuing a very awkward course in the settlement of it. They have colonized Texas with a race of people that future events will convince them they cannot govern. I had hoped that Texas would be ceded, sold, or in some way become a part of the United States. Whether that event will ever take place or not I do not know, for I doubt the American disposition on this subject. The necessity of Mexico's circumstances may incline them to dispose of it. I am sure nothing else will at present. There are many rumors about but their truth or falsehood is so uncertain that a man would scarce venture to mention them. ¹⁷

17

Smyth to Gallagher, April 24, 1830.

Although it was clear that Austin and De Witt were getting all the immigrants that came to Texas, Smyth was hoping that Zavala and Burnet would succeed in getting a supply of German and Swiss colonies to come to East and South Texas. ¹⁸

18

Anthony Dey to Austin, Austin Papers, December 16, 1830.

Europeans were not excluded by the law of April 6, because they did not live adjoining Mexico. Zavala's contract called for the settlement of his old grant in South-East Texas, but his and Burnet's trip to Europe to get the proposed German

and Swiss to come to Texas, was postponed until the winter of 1830. Smyth became tired waiting for settlers, who could probably not speak Spanish or English when they should come. He made up his mind to go to Louisiana and seek employment as a surveyor there until someone with proper authority to locate them on their lands did get settlers into East Texas.¹⁹

¹⁹

Smyth to McKinney, December 28, 1830.

Smyth's plans were suddenly changed, however. Just as he was getting ready to leave Nacogdoches for Louisiana, three men from Austin's Colony came into town. They were F. W. Johnson, Captain Linsy, and a Mr. Stout. These men were searching throughout East Texas for a fugitive from San Felipe by the name of Prior. Johnson had been a surveyor under Commissioner Padilla near Nacogdoches when Smyth first came to Texas. Smyth seemed to have formed an acquaintance with the man, for he now welcomed him as an old friend. It was this man that changed Smyth's plans about surveying in Louisiana. Johnson advised Smyth to go on to Austin's Colony as he had first intended to do. He gave Smyth letters of introduction to two of his friends at San Felipe--R. M. ("Three Legged Willie") Williamson and Walter C. White. Williamson was not only a merchant, but a lawyer and general aid to Austin.

White was a merchant and ²⁰saloon keeper there.²⁰

²⁰

Smyth to Eddy, September 18, 1857.

Before going to Austin's Colony, Smyth did make a short trip through Southern Louisiana by way of Opelousas, but continued his journey around by the coast route back to Austin's Colony. At Pine Island, Johnson, Linsey, and Stout overtook Smyth on their return home, having been unsuccessful in their pursuit of the escaped Prior. They continued up the Colorado River and arrived in San Felipe, December 1, 1830. Here F. W. Johnson introduced Smyth to all his old friends, and everybody else about that ancient metropolis of Austin's Colony.²¹

²¹

Smyth to Mrs. Cambell, December 4, 1830.

Smyth describes San Felipe as not much more than a supply depot for Austin's Colony. "Up among the trees," R. M. Williamson had his office that also served as his home. There were three general stores and two blacksmith shops. They were scattered over some half a mile of country, with shacks all about that signified there were no streets, but merely trails in and out among the trees. Williamson had charge of the Colony as the Alcalde. The crippled lawyer

rode over the country and practiced law--mostly with his big crutch.²²

²²

Smyth to Andrew Smyth, December 10, 1830.

When Smyth and his companions arrived in San Felipe, R. M. Williamson, as the agent of Benjamin R. Milam, was making preparations for an expedition to explore Milam's Colony on the upper part of the Colorado River. Smyth obtained Williamson's permission to join the expedition, and the days following his arrival were spent in preparation for the trip. Thus in a few days after his arrival at the Capital of Austin's Colony, Smyth was on his way to the "land of the Buffaloes and Comanches."²³

²³

Smyth to Bevil, December 10, 1830.

Colonel Talbert Chambers, Major Ben Tennell, a Mr. Brown, Smyth, and a Mexican cook by the name of Jesus left San Felipe sometime during December, 1830.²⁴ (No

²⁴

Smyth to Cambell, December 30, 1830.

record of the exact date.)

The expedition ascended the Colorado River, and crossed it at the ford on the old La Bahia road where the

town of La Grange now stands.

From La Grange they ascended the river on the west side to the old ~~San Antonio~~ trail, where they recrossed back to the east side of the river again. Here Colonel Austin had located the town of Bastrop, which had been partially surveyed only a short time before by the same Brown who was then a member of their expedition.²⁵

²⁵

Smyth to Grigsby, January 6, 1831.

They next came to Bastrop, composed of two families who lived in "rudely constructed camps". There was also a "bachelor astabishment" separate from these camps.²⁶

²⁶

Ibid., January 6, 1831.

On leaving Bastrop they crossed the river and continued to ascend it on the west side--for at Bastrop on the west side of the Colorado, Milam's Colony began. They continued northward until they came to "the blue hills" that over look the present site of Austin.²⁷ Here they turned back

²⁷

Smyth to Eddy, September 18, 1857.

a few miles, recrossed to the east side of the river, and made their way back to Bastrop. During the entire trip above Bastrop they found one family, that of the famous old Josiah Willbarger. He and his family lived near what he called Webber's Fort, in an old block house on the edge of the prairie. Webber's Fort was empty and falling in ruins at the time. Willbarger had broken some wild ponies and broken a few acres of the prairie land for his cornfield.

Smyth and his companions left Bastrop late in the evening of the day they arrived there. They struck camp about half a mile below the town, intending the next morning to cross the Colorado at a ford there, and go on to San Antonio. The horses were hobbled out; Jesus cooked some venison for supper. They ate and went to bed. All seemed to be well. Shortly after they retired to rest, rolled up in their blankets, the horses were heard scattering and very restive. From their repeated neighing it was evident the horses were disturbed by something. Still, no one suspected any mischief. In a short time everything became quiet and the men went to sleep again. They awoke early the next morning, and while some prepared for the day's ride, Smyth and others started out to look for the horses. They dispersed in different directions. Smyth took his course over the post oak hills toward the east part of Bastrop. After walking for some time he struck a fresh trail made by their horses.

He pursued it alone for some distance and caught up with the Mexican, Jesus, and the two then continued to follow the trail together. Near the creek that runs just above Bastrop, the eagle eye of the Mexican discovered a feather out of a hawk's tail, such as the Indians wore for ornament. This he picked up and turning short in the trail, exclaimed with an oath...Indians! It was now evident that the horses had been stolen by the Indians, and that, strided by these red gentlemen, they were far hence on their way to parts unknown.

All minds were now directed to fitting out an expedition in pursuit of the Indians, and all hands were busy in preparation for it. Horses were out of the question, the Indians had left the settlers in the same condition as Smyth and his friends, having stolen their horses as well. One pony belonging to a Mr. Tennehill remained; this they borrowed to carry their blankets, and on the second day after their misfortune, they started in pursuit on foot. Judge Williamson, from his maimed and crippled condition could not possibly accompany them unless he obtained a horse, therefore he very reluctantly remained behind. This company composed of eleven persons; Talbert, Chambers, Tennehill, Tennell, Hornsby, Brown, Tolstan, a sailor, Guinn, a native Scotchman, Jesus the Mexican, Walter Duty, Laurance and Smyth, had not gone far when they

found that other Indians had united with the horse thieves. Two of the company turned back after several days of unsuccessful pursuit. The others continued the pursuit of the Indians for about twenty days before they, by common consent decided the chase was useless and turned back. In ten days they were in Bastrop again. A Mr. Hornsby later informed Smyth that this northwesterly direction the Indians had taken was along the streams of Little River, and that the point at which Smyth's party turned back was the head of the Leon River.²⁸

²⁸

Smyth to Eddy, September 18, 1857.

After resting for two days in Tannehill's home, Smyth and Major Tannehill returned to San Felipe. They borrowed horses from a Mr. Russan at Bastrop to make the journey.²⁹

²⁹

Ibid.

At San Felipe, Smyth heard that Francisco De Madero, a commissioner appointed to issue land titles in all Texas, accompanied by J. M. J. Carbajal, had passed through that place on his way to Atascosito, now Liberty. This meant that there would be surveying work to be done in South and East Texas; so after buying and equipping a horse

at R. M. Williamson's place, and making other minor arrangements, Smyth left for Atascosito. Upon his arrival there he sought an audience with Madero, who told him they would have to wait until he got Colonel J. D. Bradburn, Commander of the Mexican garrison at Anahuac, out of the way. Naturally he was much surprised and vexed when he learned that there was to be no surveying for him to do.³⁰

³⁰

Ibid.

The Mexican national law had reserved a ten league strip of land along the coast and a twenty league strip along the border in which titles were to be issued only with the consent of both the military and the Governor of Coahuila and Texas. Bradburn claimed that he had the right to issue titles in that ten league zone. It seems that he even claimed the right to locate the zone border. Because of the proximity of Matagorda Bay, Bradburn claimed that Atascosito was in the ten league zone coastal zone. The settlers had suspected that the arrest of Juan Antonio Padilla was merely a pretext to avoid giving them land titles. To allay this feeling the political chief Musquiz had urged Governor Viesca to appoint a successor to Padilla without delay, and Viesca had responded with the appointment of J. Francisco Madero on September 27, 1830.³¹ Madero reached San Felipe January 14, 1831, and

³¹

Governor Viesca to the Political Chief, Musquiz, September 27, 1830, Austin Papers, II, 128.

published in the Texas Gazette a notice of his plans.³² In

³²

Texas Gazette, January 15, 1831.

making surveys and issuing titles Madero worked below Richmond toward the border settlements. Bradburn saw the notice in the paper, and wrote Madero that it was a violation of the law of April 6, 1830, as well as the law reserving the coast and border leagues for him to issue titles.

Madero replied that he was giving titles only to those who had entered before the passage of the law of April 6, 1830, and that their settlements were inside this ten league zone and had been approved by both the state and federal governments as to the colonization law required; therefore he would proceed with his commission. The correspondence continued. It grew increasingly sharp, in fact, over the border of the ten league zone, and whether the colonist, who were getting titles, had really come in before April 6, 1830. Bradburn arrested Madero and his surveyor Carbajal for violation of the colonization laws. Madero held that the settlements had been approved before the passage of the law of April 6, and in this Terán upheld him.³³ But Bradburn

³³

Barker, Life of Stephen F. Austin, 376-379.

was a military officer who spurned the civil Governor of the state. He did not recognize Viesca's interpretation of law, because it did not agree with his own interpretation.

Madero was released on the promise that he would issue no more titles. It was General Terán's orders that freed Madero, hence Madero did not observe his promise to Bradburn, but now employed Smyth for a short time to finish surveying Atascosito. Here he established an Ayuntamiento that Bradburn abolished as soon as Governor Viesca had recalled Madero. This ended the surveying business again for Smyth.³⁴

³⁴

Ibid., 379-384.

Smyth accompanied Madero and Carbajal as far as San Felipe, and then returned to Liberty (Atascosito had just previously been made the municipality of Liberty by Madero) and from there went on to Nacogdoches hoping to find something to do. There was nothing to do in East Texas, so he stayed with his old friend John Bevil for the remainder of 1831.³⁵

³⁵

Andrew Smyth to G. W. Smyth, September 5, 1831.

During this fall and winter Smyth spent much of his time at the home of Joseph Grigsby nearby, for here was Miss Frances Grigsby who had promised two years before to be his wife. Smyth had only to survey enough land to

provide the money to buy a home on his own selected land some fifteen miles away before they could be married.³⁶

³⁶

Smyth to Eddy, September 18, 1857. Smyth as yet had not been able to get title to his land.

A letter in November 1831, stated that Smyth was waiting for the expected arrival of a new civil Land Commissioner in Nacogdoches.³⁷ It seems that the affair was delayed

³⁷

Smyth to McKinney, November 14, 1831.

however, for not until early February 1832, did these Commissioners, Chambers and Madero arrive at Nacogdoches. Madero had arranged to work with Thomas Jefferson Chambers. Once again Madero began the work which had been interfered with by Bradburn the year before. One of Madero's surveyors was Smyth, and the first land Smyth laid out was for Chambers.³⁸

³⁸

John Bevil to Chambers, February 18, 1832.

Smyth was now busy surveying land about Bevil's Settlement in what is now Jasper County, Texas. In April John Durst, a prominent land speculator and later a representative in the Monclova Legislature, engaged Smyth to survey an eleven league grant near Joseph Grigsby's home.³⁹

 39

 John Durst to Smyth, April 18, 1832.

This just suited Smyth for he could stay in the Grigsby home and be near Miss Frances. He little realized how much trouble might come of association with Durst and his eleven league grants. Also during the Spring of 1832, Smyth found time to go to Fort Terán, situated on the Neches River in what is now Tyler County. Here Colonel Peter Ellis Bean, Indian agent and guardian in general of the government's interest in East Texas, was stationed with a few Mexican soldiers. Smyth stayed in the home of Colonel Bean for several weeks trying all the while to get a working knowledge of the Spanish language. His studies were interrupted by a call to do some surveying near Nacogdoches. This job was finished on June 1, and he immediately visited Bevil's settlement again. "It is now endeared to me as an old home", he wrote.⁴⁰

 40

Ibid., June 10, 1832; Colonel Peter Ellis Bean had done much service in Texas to prevent Indian uprisings. His object in being in East Texas was as he said to Austin: "Restore order, preserve the integrity of the territory of the territory, avoid wars of any kind, and hear complaints of those unjustly treated by the local authorities." Bean to Austin December 28, 30, 1829, Nacogdoches Archives. He played a prominent part in the Fredonian rebellion, etc.

While Smyth was in Bevil's Settlement during June,

1832, an express rider arrived calling for volunteers to go against the small Mexican garrison at Anahuac. Smyth, like others in East Texas, did not know the object of this sudden and rash expedition. All that he could learn was that a large body of armed men from Austin's Colony were assembled near Galveston ~~(xxxxxxx)~~. Smyth wrote that his impression was that Austin's Colony had declared in favor of Santa Anna, for news had reached him in Nacogdoches before he left there on June 1, that Santa Anna had published his pronunciamiento in favor of the restoration of the government to the principles of the Mexican Federal Constitution of 1824.⁴¹

⁴¹

Smyth to McKinney, June, 1832; the exact date blurred.

Once again it is necessary to leave the account of Smyth's Career and turn to the public affairs of Texas.

Colonel George Fisher, administrator of the port of Galveston had arrived at that place May 8, 1830.⁴² He

⁴²

Texas Gazette, May 10, 1830.

established his custom house at the mouth of the Brazos, and placed an agent at Galveston Island. Vessels entering at either place were to show the papers on their cargo. The passengers had to have passports. This had not been done before in Texas. The colonist particularly objected to the

fact that so many managed to escape such regulations, while some of them had to comply. It was also making the illicit slave trade into the United States via Texas more complicated.⁴²

42

Barker, Life of Stephen F. Austin, 380. Fisher to Austin, May 18, 1830, Austin Papers, II, 186, states that Fisher was an adventuring American (Serbian by birth) who wandered into Mexico and was appointed to this job. He was vicious, egotistical, self-important, and officious--See Fisher to Zavala, February 10, 1830, Austin Papers, II, 187.

Fisher was suspended because Terán postponed the establishment of the custom house due to the admission of foreign vessels to the coasting trade by the law of April 6.⁴⁴

44

Terán to Fisher, Austin Papers, II, 204, May 24, 1830.

In September 1831, Terán ordered Fisher to establish a customs house at Anahuac, and as soon as possible to erect buildings at Point Bolivar, and at the mouth of the Brazos. Fisher issued an order on November 24, that all ships landing or taking out cargoes must get clearance papers at Galveston.⁴⁵ Austin wrote that such a regulation was

45

Austin to Terán, Austin Papers, II, 861, January 8, 1832.

impossible and that it should not be attempted.

Some vessels tried to force their way out of the Brazos, and one soldier was wounded. This was reported to

General Terán, who stated that those guilty would be arrested on the return of the vessel. Such a storm of protest was raised that Fisher was removed from his office.⁴⁶

⁴⁶

Barker, Life of Stephen F. Austin, 388.

Assuming that the crisis had passed with the removal of Fisher, Austin visited Terán at Victoria and then rushed on to Saltillo where he was overdue at the Legislature. But Bradburn continued to grow unpopular. From a mass of material about charges against Bradburn these facts stand out: (1) He impressed supplies for his troops and did not pay for them--in fact he had no money to pay with, at the time; (2), he used slave labor on the fortifications and refused to pay for that; (3), he encouraged slaves to revolt; (4), he arrested a number of the colonists at various times and held them for military trial. It was this last that brought the storm down upon him. Patrick Jack, who had organized a militia company, was arrested on some charge that was never given out. William B. Travis, an attorney, was arrested when he tried to recover two fugitive slaves from Bradburn. Their detention was long and aggravated. On June 4, a force started from Brazoria to release them.⁴⁷

⁴⁷

Barker, Life of Stephen F. Austin, 388-92.

This was the increasing force that Smyth and his friends from Bevil's Settlement joined. There were eight persons in Smyth's party when it started, some on horses and others walking; Joseph Grigsby, Drake Glenn, James Chesshur, Henry Stagner, John M. Taylor, John Doolin, Victor Laramie, and Smyth were in the starting party.⁴⁸ They

⁴⁸

Smyth to Eddy, Smyth Papers, September 18, 1857.

arrived at Anahuac in time to take part in the occupation of the post. Bradburn had only about twenty soldiers, hence he found it necessary to capitulate. A treaty was agreed to by which the above mentioned objects of the expedition were accomplished. Smyth and his friends rested and gossiped a few days before they returned in a body to Nacogdoches. Everything was then quiet. But it was only a momentary calm. Any overt act on the part of either side would cause a storm on the other side. Many people were talking of driving all Mexicans across the Rio Grande.⁴⁹

⁴⁹

Smyth to Bevil, Smyth Papers, June 12, 1832.

An undated letter written by Smyth to a friend in Moulton, Alabama, gives some interesting observations on affairs in Texas at this time. It was written immediately after the events which it describes occurred. It is significant

that Smyth, like most other Anglo-Americans in Texas, denied the prevalence of any disposition to overthrow the constitutional Mexican Government. He states:

"After a considerable interval in which the affairs of this country have been rather in a confused aspect, I seize the present interval of peace to give you a short history of the principle events which have occurred since my last letter. I am apprised that it has been rumored in the United States that Texas is in open rebellion against the Mexican Government. This representation permit me, at the outset, to contradict...on the contrary every revolution which has been formed has been replete with respect for the constitution and the laws of the country. But the repeated violations of these guarantees of our rights and privileges in the arrest by the military officers of commissioners sent by the State Government to put citizens in possession of the lands to which they were entitled to by the colonization laws of both the State and the Constitution of 1824. Even the law of April 6, 1830 has no meaning except as they wish. Austin still gets what he wants, but the rest of us get nothing...The interference of the Military in the election of civil magistrates in direct contravention of the Constitution and the overruling of them by the military farce when elected... The arrest and detention of citizens and the refusing to give them up to the civil authority...The conferring upon an individual (viz General Teran) an authority over Texas above the constitution and laws... And the evident tendency of the government toward centralism and military despotism... But above all the duplicity and dissimulation under which the present administration has endeavored to conceal the real motives of its conduct by preserving the form of the Constitution while they annihilated its spirit; are the principal causes which have induced the people to take into their own hands the redress of their grievances. They have accordingly declared in every part of Texas [San Antonio alone perhaps excepted] for the plan of General Santa Anna, who at least says he is a friend and supporter of the 1824 Constitution, the Federal Republican system, and States rights and Constitutional principles.

The Tyranny of Colonel Bradburn, Commander of the Post at Galveston [Anahuac] in the illegal confinement

of several respectable citizens, accused some of the most influential men of Austin's Colony, who, to the number of about 50, preceeded to Anahuac, and arrived on the tenth of June...a deputation visited Colonel Bradburn, but the Colonel denied all knowledge of the Constitution and laws, and in fact everything except the sword and the bayonet... They therefore determined to use these arguments in which alone he confided... They accordingly marched down upon him, and had already taken possession of the major part of the town, when he came to terms. A treaty was made and ratified in which Colonel Bradburn engaged to restore and respect the civil authority, and that the prisoners illegally detained should be delivered to the civil magistrate, but asked forty eight hours to make out charges against them. However he spent the time in making preparations for defence, and at the end of forty eight hours our party was informed that the treaty was at an end, and we were ordered to leave the place instantly. The forces of the Texans were so much weakened by the citizens of the vicinity having gone to their homes, that they were compelled to draw off without having affected the object of their enterprise... They accordingly withdrew a few miles to Turtle Bayou where on the thirteenth of June 1832 they drew up spirited resolutions in favor of the plan of Santa Anna.. appointed a day of rendezvous, and dispatched messengers to different parts of the country for reinforcements.

I happened to be about seventy miles away when a copy of their resolutions arrived. The notice was too short for general circulation, but eight of us happened to be present and determined to go, and by packing quickly and making forced marches, we arrived at the spot on the day appointed. In the mean time Colonel Piedras of Nacogdoches, appraised of the hostile movements at Anahuac, marched with about two hundred men to the relief of Bradburn. He proceeded until he came within about twenty five miles of our camp where he halted and commenced negotiations, which terminated in a treaty by which the civil authority was restored; the prisoners illegally detained were given up to the Alcalde of the Jurisdiction and Colonel Bradburn was arrested. After the treaty was carried out and our friends released, we dispersed... The number of Americans drawn together on this occasion was about three hundred. This treaty was made and ratified on the

third day of July, 1832.⁵⁰

50

From a fragment of a letter in George W. Smyth's handwriting and evidently addressed to an old friend in Moulton, Alabama. It was written a short time after Smyth's return from the expedition to Anahuac.

At this time Smyth wrote to William Gregg of Alabama, giving his account of events at Nacogdoches:

"Everything appeared tranquil for a few days after my hasty return from Anahuac. But from small beginnings the fire was again kindled. The civil authority, roused by the recollection of former injuries rather than any present grievance, called on the militia of their own jurisdiction and invited the cooperation of neighboring districts to put down the military force at Nacogdoches, or at least to coerce a declaration in favor of Santa Anna... Colonel Piedras refused--made preparations for a vigorous defence...invited the neighboring Indians to his standard, and it is said actually succeeded in engaging one of the Cherokee chiefs to join his standard with about four hundred men.

The Citizens of Nacogdoches, allarmed^[sic] as well by the hostile movements of the Indians, as intimidated by the menaces of Colonal Piedras, who threatened to destroy the town and all its inhabitants with fire and sword, determined on soliciting the assistance of Austin's Colony. I was requested to convey this intelligence to the Colonist and did so as quickly as possible. I found the people of that Colony moved by the impulse of a single feeling--that of protecting their state rights and constitutional privileges and planting the banner of Santa Anna, by force of arms in every place where it could not be done voluntarily. Immediately after having fulfilled the object of my mission. I returned to Nacogdoches where I found Santa Anna's Flag floating from the Cupola of the church and old Colonal Piedras a prisoner.

Smyth explains that the Indians decided not to join

Piedras and this fact made the forces of Santa Anna nearly equal to those of Piedras. Then he continues:

There were three hundred and twenty Santa Anna forces, and three hundred and seventy Piedras men. The attack on Colonel Piedras was made about twelve o'clock on the second of August, and lasted till night--the Americans and Creoles firing their rifles from houses and fences, and the troops of the government discharging their muskets from the windows of their houses and the portholes of their barracks.

During the night Piedras withdrew but the Anglo-Americans were not willing to allow him to escape with such impunity.

A few resolute men to the number of nineteen, determined to dispute the passage on the Angelina River--a small river about twenty miles from Nacogdoches. Having gained their position for this purpose, they waited silently for the approach of the enemy--gave them two discharges from their rifles and then retreated without the loss of a man. This so discouraged the ministerial troops that the principal officers (with the exception of Piedras) convened--drew up a declaration in favor of Santa Anna--invited their Colonel to join them, and if he refused to do so, resolved to deliver him as a prisoner of war to the Santa Anna party. This was accordingly done. It deserves to be remembered that on this occasion there was most hearty union and cooperation between the native Mexican citizens and the Americans. ⁵¹

51

Smyth to William Gregg, October 4, 1832.

Another circumstance which gave particular impetus to affairs in East Texas was the arrival, at the mouth of the Brazos, of Colonel J. A. Mexia, an officer of Santa Anna, who came under the pretext of suppressing the rebellion in Texas, but with the real intention of promoting the cause of Santa

Anna.

In late September the news came to Nacogdoches that practically all of Texas had openly declared for Santa Anna. This event happened at San Felipe about the same time that the Ayuntamiento of Nacogdoches declared for Santa Anna. The Government troops immediately evacuated every part of Texas, marched to the interior under the flag of Santa Anna, and were present at the retaking of San Luis Potosí. These are some of the facts. The whirl of events in Texas and the intricacies of Mexican politics seemed to many Anglo-Americans a confusing puzzle. What was sound loyalty one day was rank treason the next, if people tried to keep up with the Mexican quarrels.⁵²

⁵²

Ibid.; Barker, Life of Stephen F. Austin, 390-94.

Smyth continued to survey in various parts of the country. December 10, 1832, Henry Stockman wrote Smyth to survey a league for him just off the old San Antonio road out of Nacogdoches about twenty miles. This letter was addressed to Smyth "In the Western Woods".⁵³

⁵³

Stockman to Smyth, December 10, 1832.

Just after Christmas Smyth wrote his brother-in-law, William Gregg:

A New York Company has taken over Burnet's and Zavala's Contracts. They come under the law of 1825, and have every advantage over those under the law of 1832. Mexico is giving every facility necessary to settlement in certain parts of this country. Nothing can prevent the prosperity of Texas except the influence and conduct of some of our countrymen. ⁵⁴

54

Smyth to Gregg, December 28, 1832.

The law of 1825 allowed all foreigners to come into Texas, but the law of 1832, limited the number who come in to those who had passports or evidence of contract with Empresarios who were actually carrying out the settlement of their grants.

Santa Anna, in whose name the Texans had engaged in a civil war, and cleared their country of Mexican troops, was victorious in his efforts to overthrow the reactionary Mexican Government. Now the time had come when the Anglo Americans felt they ought to "cash in" on their loyalty to this republican leader. Hence there developed a movement for a convention in Texas to give shape and impetus to the statehood wishes of the Anglo-Americans. The official call was made for it, August 22, and was signed by the two Alcaldes of San Felipe--Horatio Criesman and John Austin. No doubt Stephen F. Austin knew and approved of the action. The various settlements were to send five delegates each to the

General Convention at San Felipe on October 1. At the appointed time fifty-eight delegates from sixteen districts assembled. John Austin stated that they were there to protest the tariff, military interference, joint statehood, the exclusion article of the law of April 6, 1830, and to form a Texas Constitution. The Consultation adopted the big slave holder, Jared E. Groce's report protesting at the tariff and asking for three more years of free farm implements and machinery. William H. Wharton framed the protest at the exclusion article of the law of April 6, 1830. He said it would be repealed because only the bad element came in under present conditions. They also protested De Witt's encroachment on the Indian lands. The Committee on East Texas lands simply recited the history of their claims in that quarter and asked again for the appointment of a commissioner to put the settlers in legal possession.

Wharton had taken a leading part in framing the Constitution and was, quite fittingly, elected by acclamation to present the work of the convention to the state and federal governments. No action was ever taken on the question however, because (1), Wharton did not present his report and (2), the civil government disapproved of the meeting.⁵⁵

55

Barker, Life of Stephen F. Austin, 406-409.

Smyth did not favor the convention of 1832. In a letter of December 29, he wrote:

A Convention was held in March and April, (closed April, 6) unauthorized, for the purpose of adopting a Texas Constitution. They wish to effect a separation of Coahuila and Texas. The object is certainly desirable, but the time and place is very objectionable. Texas knows nothing but a repeal of the law of April 6, 1830. We have in Texas too many would be great men--too many whose ambitions have been unsuccessful in their own country, and have taken refuge in this one, and who view it as the ultimate field of their glory. The whole object and design of their actions being to stir up a revolution.⁵⁶

56

A fragment of a letter in Smyth's handwriting, but bearing no address, dated December 29, 1832, Smyth Papers.

Smyth had just returned from surveying in the river bottoms, to Joseph Grigsby's house, December 27, 1832. He spent two days there and then left for Nacogdoches. From Nacogdoches he wrote Grigsby, January 2, 1833, that all East Texas expected a Land Commissioner to be appointed sometime during January.⁵⁷

57

Smyth to Grigsby, January 2, 1833.

Smyth was still surveying about Nacogdoches in

August of 1833. There was still plenty of work because the commissioner was daily expected. Finally Carbajal was appointed on August 4, 1833, and arrived in Nacogdoches August 16, 1833. Carbajal engaged Smyth to survey twenty four leagues of land (giving various directions) near Pecan Point on Red River. Carbajal was Viesca's Land Commissioner assigned to East Texas, with special orders to have lands surveyed East of the San Jacinto River first.⁵⁸

58

Carbajal to Smyth, August 18, 1833.

A word picture of North Texas was drawn by Smyth in writing home to his brother-in-law in Moulton, Alabama. The letter Follows:

I went up the Red River August 20, 1833, above the "Big Raft", to survey off a townsite [sic] and some land for Carbajal. We were about five miles above the raft. The river was one hundred and sixty yards wide here. The United States had made a very promising start the year before to clear out this formidable obstruction to Navigation. It looked as if only about one fourth of this work was done. This raft is a growing evil--it increases from five to ten miles per year. It is slowly destroying all the good bottom lands along the blocked channel.

Having finished my business there, we prospected for about one hundred miles--up to and beyond Pecan Point. I find the Red River bottoms everywhere the same--a rich reddish alluvial soil; probably unsurpassed in fertility by any in the world. However this valuable bottom land is being partially destroyed for agriculture due to the overflows.

The great bends in the river have built up ideal

places for great plantations. The singular circumstance about this river is that it grows wider as you ascend the stream. At Alexandria it averages one hundred and twenty yards wide; at the head of the raft it is one hundred and sixty; at Pecan Point it is two hundred and fifty. Its width is said to be over half a mile farther up.

The uplands are poor until you reach Pecan Point; opposite to which commences quite a different country. A few miles South of this point the Prairie country begins. In some places the prairie and timber country are intermixed at about equal proportions. The Prairies are usually situated between Creeks. These Prairies are usually from a thousand to a hundred thousand acres of black rich soil well adapted to the production of corn and cotton and producing the finest pastures in the world. The grass is generally waist high at least. This is the best portion of Texas I have seen, and if the raft is cleaned out, I do not hesitate to say that, in my opinion, it will have so many decided advantages that all settlers will go this way. But if the river is not opened, this country will always labor under too great a disadvantage from a commercial point of view.

The general objection to the country is the scarcity of good water. These creeks cease to run in the Summer, but stand in holes, and furnish water sufficient for stock. If the Country should prove unhealthy it would be due entirely to the water. The cleaning out of the raft is bringing this country into notice-- I saw several persons in the country. There are probably between two hundred and three hundred families below the raft.

Five out of seven were sick in our crowd until we came to the open country. The chills and fever left us in a few days.⁵⁹

59

Smyth to Gregg, November 23, 1833.

Smyth continued in the business of surveying in various parts of the country East of Austin's Colony until the first of April, 1834, when he was married to Miss Frances M. Grigsby, consummating an engagement of long standing.

They were married and continued to live at the home of her father. At least, Smyth called it home, when he was away on surveying trips his wife stayed at her father's house. However, about 1835 Smyth built a home of his own where Jasper now stands.

CHAPTER II

EAST TEXAS LAND COMMISSIONER

Since no constructive action resulted from the convention of 1832, and since Santa Anna was not making any effort to remedy the many ills of Texas, the central committee (which had been selected by the convention of 1832 to call another convention if it seemed necessary) proceeded to call another convention.¹

¹

E. C. Barker, Life of Stephen F. Austin, 388.

The committee met at Washington, Texas, and authorized chairman Thomas Hastings to call this second convention. Notices were published throughout Texas, and the election for delegates was held March 1. They met at San Felipe on April 1. The purpose was to form a state constitution, with the approval of the general government, and to seek separation from the State of Coahuila.² While Smyth was absent from home

²

Hastings, "Notice to the Public", January 3, 1833, Nacogdoches Archives, Texas University.

on some unnamed job as a surveyor, his friends elected him to this convention on March 4, 1833.³

³
Grigsby to Smyth, March 4, 1833.

When the convention met on April 1, 1833, Austin stated that they had called the meeting because of continuous disorder and civil war in Mexico, and because Wharton had failed in his efforts to get recognition of the evils stated by the convention of 1832. He felt that it was still good policy to inform Mexico of those things that retarded the welfare of Texas.⁴

⁴
Quarterly of the Texas State Historical Association, VIII, 240, "Explanation to the Public Concerning the Affairs of Texas".

The convention was in session two weeks, from April 1 to April 13. There is no journal of the proceedings, but it is generally agreed that there must have been at least fifty delegates present, for that number signed the constitution they drew up. Dr. Eugene C. Barker states that there were only fifty present.⁵ Smyth's name does not appear upon

⁵
Ibid., 242.

Austin's translated manuscript list in the Garcia Library, University of Texas, nor does it appear upon the list given by John Henry Brown.⁶ Smyth was evidently present, however.

⁶

John Henry Brown, History of Texas, I, 227-229.

In a letter to his friend Thomas F. McKinney of Nacogdoches, written May 4, 1833, he states that he was present and was a regularly elected delegate from Jasper County.⁷ He did not

⁷

Smyth to McKinney, May 4, 1833.

sign the state constitution which was drawn up by the convention and it may be that he did not take an active part in the proceedings.⁸

⁸

Smyth to Eddy, September 18, 1857.

It was characteristic of Smyth that he was a silent man, always ready to act, but never, unless called upon, taking an active part in any public discussion. His sensitive nature did not permit him to carry on either a personal or a public argument.

The work of the convention was in the formation of a provisional constitution, petitions for the repeal of the law of April 6, 1830, extension of the tariff exemption,

and improvement of the mail service.⁹

⁹

Barker, Life of Stephen F. Austin, 126.

The major part of the constitution was drawn up by Sam Houston. It was modeled upon a copy of the Massachusetts Constitution of 1780, that Sam Houston happened to have with him. From this document they obtained such ideas as: a two-year term for the governor, laws to be passed over his veto by a simple majority of the legislature, judges to be elected by the legislature and removed on a two thirds vote, internal improvements to be permitted at public expense, legal money to be gold and silver, and no banks of any kind.¹⁰ David

¹⁰

D. B. Edward, History of Texas, (Cincinnati, 1836) 196-205.

G. Burnet, an old friend of Smyth, prepared the petition for statehood,¹¹ and Wiley Martin wrote the petition for the

¹¹

Henderson Yoakum, History of Texas, I, 469-472.

repeal of the law of April 6, 1830.¹²

¹²

Ibid., 476-479.

James Miller and Erasmo Seguin were elected to go

with Stephen F. Austin to present the work to the Mexican Government. The members of the convention feared Austin would be too conciliatory. But Austin, as well as all those present, desired and sought separate statehood.¹³

¹³

Austin to Perry, Austin Papers, April 22, 1833,

In a letter to Thomas F. McKinney at Nacogdoches, which was written at this time Smyth gave his opinion of the state of affairs in Texas. Smyth wrote that if the government stood and prospered Texas would prosper under it. If it did not, the bonds which bound Texas and Mexico would of course be severed by the fall, and in this event Texas would either unite herself to the United States or become independent. Europe would gladly receive Texas cotton and sugar, while Texas would be too contemptably small to excite the jealousy of the United States. Policy and interest would induce the world powers to let Texas alone. The letter continues:

I deem it to be more than probable that all the powers would unite in guaranteeing the independence of Texas. There are many reasons why they would do it. We may be buried in Texas but we cannot be driven from it. I do not think that will be attempted. It would certainly be a blind and mistaken policy on the part of Mexico. But this country, as a state of Mexico, would prosper. It would be a great service to Mexico, and add much to the national strength and resources. Just now, it is not to our interest to separate from Mexico if such a thing can be avoided. At any rate we do not want to become a part of the

United States government. Our cheap lands would be gone, and not only that but our system of colonization would have to be given up at the same time.¹⁴

¹⁴

Smyth to McKinney, April 19, 1833.

In the spring of 1833 it seemed that the hopes of the people of East Texas to secure valid titles to their lands was at last about to be realized. Francisco Madero still had his commission as special Land Commissioner for the Eastern States of Mexico. He had won popularity in Texas because of his activity in the Bradburn incident in 1832. Madero was asked by Governor Viesca of Coahuila and Texas to place some one in East Texas to issue land titles. It was a move by Governor Viesca to gain the good will of General Mexia, and Santa Anna's party in Texas. Mexia had joined the Santa Anna party the year before.¹⁵ Francisco Madero at

¹⁵

Berramendi to Madero, May 20, 1833, Nacogdoches Papers.

once appointed his surveyor, J. M. Carbajal, land commissioner for the colonies of Zavala, Burnett, and Vehlein.¹⁶ This was

¹⁶

Madero to Carbajal, Austin Papers, June 28, 1833.

in the summer of 1833. Carbajal, because of his inexperience, was slow in getting his office opened in Nacogdoches. He

must have opened his office and called for surveyors in February, 1834, for George W. Smyth came to Nacogdoches and was made a surveyor under Carbajal at that time.¹⁷

¹⁷

Smyth to Eddy, September 18, 1857.

On April 23, 1834, Carbajal nominated his surveyor Smyth to take his place for a while so that he might "tend to his legal business!"¹⁸ It was just after Smyth's marriage

¹⁸

Carbajal to Smyth, April 23, 1834.

that word came from Carbajal asking him to come to Nacogdoches and serve as Carbajal's substitute. Smyth was to get a man by the name of Sterne to show him his office, the papers, explain his duties, and acquaint him in general with the work. Evidently Sterne had been Carbajal's secretary.¹⁹

¹⁹

Ibid., April 23, 1834.

Smyth did not reply to the letter; in fact Carbajal had evidently taken it for granted that he would accept, or they had previously come to some understanding about the matter. Smyth left immediately for Nacogdoches, leaving his wife at her father's home.²⁰

²⁰

Bevil to Smyth, September 7, 1834.

On September 11, 1834, Smyth was relieved of this task as acting land Commissioner and appointed surveyor again, to work in Zavala's colony.²¹ Carbajal must have

²¹

Nixon to Smyth, September 11, 1834.

found that this "legal business", which was the business of serving in the legislature of Coahuila and Texas at Monclova, was more important or at least more profitable than acting as East Texas Land Commissioner. At any rate he suggested that Governor Viesca appoint his friend George Antonio Nixon in his place. Thus Nixon was sent to take over the duties of the land Commissioners' office and to send Smyth back to his work as a surveyor.²² In the fall of 1834, Nixon as the

²²

Nixon to Smyth, September 18, 1834.

Land Commissioner for the colonies of Zavala, Vehlein, and Burnet, accompanied by Abraham Hotchkiss and Authur Henrie, came to San Augustine ~~at this time~~. Smyth was asked to survey the town of Jasper in Bevil's Settlement.²³ While doing

²³

Smyth to Eddy, September 18, 1857.

this surveying, he stayed at the home of Joseph Grigsby where Mrs. Smyth had remained since their marriage. He

finished the work of surveying Jasper (called Bevil's Settlement at that time) in the spring of 1835.

The fact that Smyth had been called into Nacogdoches to direct the land office even **far** a short period spoke well for the quiet young man. He had been recommended to this office by his many friends. They must have had confidence in him and respect for him or else there would have been some objection to the office being left in his hands. It is certain that the people of East Texas had come to look upon Smyth as more than a surveyor and friend; apparently he was the one surveyor who was not "grabbing up" the land for himself, but honestly trying to aid the small and large land holders alike in their efforts to get their titles.

Since Smyth was henceforth to be so closely connected with the land system of Texas, it seems necessary to give in this connection a sketch of the operations of that system.

The National Colonization Law enacted August 18, 1824, authorized the State Legislature to form colonization laws in accordance with the federal constitution. On March 24, 1825, the Legislature of Coahuila and Texas decreed such a law.²⁴ The empresairo system was established with the

²⁴

Austin, Translation of the laws, orders, and contents of the Colonization law of 1825 for Texas and Coahuila, Austin Papers, II, 120.

provision that each empresario, or contractor, be granted a premium of five square leagues of land, and five labors (a labor is one hundred and seventy seven acres) of tillable land for each hundred families he introduced. Each family was to receive, as a maximum, a league or sitio, which is twenty-five labors of land or 4,428 acres. An unmarried man received one fourth of this amount, or two such young men might buy land together, "as a family" and get twice what they would have obtained as single men. Eleven leagues was the limit that could be owned by anyone. No land could be granted within twenty leagues of the boundary line between Texas and the United States, or within ten leagues of the Gulf of Mexico, without concurrent approval of the state and federal authorities. Native Mexicans were not subject to the acreage stipulations set forth above. The state could sell them such lands as they might wish to buy, to the extent of eleven leagues.

In 1828 Juan A. Padilla bought the first eleven league grant of land in the state. There was no other such sale until 1830, when James Bowie bought up fifteen of these eleven league grant certificates of land. He induced Mexican citizens to apply for these grants, and then bought them from the Mexicans. This smart young lawyer opened the way for the land speculators. Speculation grew swiftly and by 1835, had become very extensive, for that year Ben R. Milam

presented a petition to the political chief of Texas asking that a special commissioner be appointed to give titles to the small land holding "squatters" who had been in Texas for five or six years. They had been ignored in the land speculators' rush. Surveyors and the commissioner had no time to bother with them because these officials were too busy working for the speculators. Their chance of getting a title to some small inferior piece of land was blocked because all surveyors could get work that paid more. Land speculation had come to be the expected thing, but no one objected until the state laws of 1834 and 1835 placed a premium on land speculation.²⁵

25

E. C. Barker, "Land Speculation as a Cause of the Texas Revolution" in The SouthWestern Historical Quarterly, X, 76-78.

The law of March 26, 1834, declared that the public lands in Texas were to be sold at auction by order of Governor Viesca, at a minimum price of ten dollars per labor. Foreigners could buy it directly, and after one year of residence, their titles would become regular. Still no one could buy more than eleven leagues of land, and no company could buy land outright.²⁶ The Law of April 23, 1834, provided that land

26

Gammel, Laws of Texas, I, 247-252.

that failed to sell at public auction, could now be sold at any time at any price by the State Legislature.²⁷

²⁷

Ibid., 272.

After the passage of this law of April 23, speculation tended to reach a new high water mark. The policy of Governor Viesca added to this orgy of speculation. On May 19, 1834, Governor Viesca was given the right to protect the people from the Indians. He assumed that he could sell land to pay for this protection and he did sell it. Then the Law of March 4, 1835, decreed that Governor Viesca could sell as much as four hundred leagues, or sitios, for public expenses. He was to regulate colonization on these lands without respect to previous laws on the subject.²⁸ These laws led to much

²⁸

Barker, "Land Speculation as a Cause of the Texas Revolution", in South-Western Historical Quarterly, X, 82.

squandering of Texas land.

John Durst, a member of the Legislature from Nacogdoches, introduced these laws, and he, in conjunction with Samuel H. Williams and Thomas F. McKinney, contracted for one hundred and twenty-four leagues in what is now Harrison, Nacogdoches, and Red River counties.²⁹ By September, 1835, they

²⁹

Ibid, 86.

had resold one hundred and fourteen leagues, mostly in ten league grants. John Durst excused himself thus: "If I had not bought the land some one outside the Country probably would have done so".³⁰

³⁰

D. B. Edward., The History of Texas, 248.

On hearing of these scandalous transactions Santa Anna ordered General Cos to move against the Monclova Legislature. The Legislature in turn took advantage of the approach of Cos to enact certain "defensive" laws authorizing Governor Viesca to take what measures he thought proper for "securing the public tranquility." The Governor deemed it necessary and proper to sell the state lands. This time it was Dr. James Grant of Coahuila, who, on April 20, 1835, contracted for one hundred leagues which he located near Nacogdoches. He paid the Governor directly one hundred dollars per league. Smyth, who was then Land Commissioner, did not issue the title to this survey until after the land office was supposed to have been closed in December 1835. The Alcalde at Nacogdoches approved the titles to Dr. Grant's land, December 2, 1835.³¹

³¹

House Journal, Fifth Congress of Texas, appendix, 347-353.

Under this law Viesca also sold certificates for four hundred leagues to Samuel H. Williams, Robert Peebles, and F. W. Johnson in return for their promise to bring to the support of the government five hundred soldiers within two months.³²

³²

Ibid., 360-365.

This was the main reason why the East Texans, as well as all Texans, continued to sympathize with Santa Anna, even after he had overthrown the republican Mexican Constitution. He was the enemy of the speculators. Williams apparently became afraid of the army under Cos, the mood of the people, and the possibility that he might lose more than the mere money he put into the land certificates, and renounced his claims, but Johnson and Peebles had, by August, 1835, issued forty-one certificates calling for different amounts of land. It seems that they transferred the certificates in consideration for promises made by their assignees to serve in the governor's army, or to raise men to serve, and with each man they drove the best possible bargain. These forty-one certificates called for almost the entire four hundred leagues. It was evident that they would never get the five hundred men to serve Governor Viesca against Santa Anna voluntarily for one year as soldiers of the state of Coahuila and Texas.³³ Texans looked upon

this as simple robbery and not only failed to support Governor Viesca, but welcomed Santa Anna's troops. The above mentioned "land grabbers" fled to New Orleans instead of gathering their troops for Viesca. Some of their grants were later nullified by the Constitutional Convention of 1836.³⁴

³⁴
Ibid., 88.

Thus the land problem had now developed into a grievance held by Texas against the state Legislature. On May 23, 1835, Smyth wrote to his brother, Andrew Smyth in Moulton, Alabama:

Things are confused here in Texas, the fourteen members of the State Legislature at Monteclova[sic] are not to be trusted. One fourth of them can be bribed, one fourth is too ignorant, and the remaining fourth is never present, so it is easy for some speculator to buy four hundred leagues of land. This is causing trouble all over Texas. The Monteclova Legislature is selling the public lands in great blocks, and the people of this state are in the mood to do something about it.³⁵

³⁵
George W. Smyth to Andrew Smyth, May 23, 1835.

The storm of land speculation that blew over Texas in the spring of 1835, may have been an ill wind, but it blew Smyth much good. As a surveyor he had more work than he could do. In his papers are found letters from the leading

land speculators and the contents of the missives are interesting and quite significant because of the light they throw on the operations of those greedy Anglo-Americans who were striving to make a quick fortune out of the public lands of Texas.

Smyth had, since commissioner Nixon's arrival in Nacogdoches, been very busy surveying single league grants along the rivers, such as the Neches, and the Angelina, south of Nacogdoches.

On March 1, 1835 Commissioner Nixon wrote Smyth to lay out the town of Bevil. Smyth was to be paid out of the sale of the lots. Minute instructions were given him to place the Court House and church plots on prominent corners of the square, which was to be "on the highest hill anywhere about."³⁶

³⁶

Nixon to Smyth, March 1, 1835.

March 25, Adolphus Sterne, secretary to Nixon, wrote Smyth to survey one league of land for him, personally on the lower Neches River. Smyth was to be paid extra for making the selection. Sterne stated that he had "gone into the land business extensively" since the April laws of 1834 allowing any man to buy land from the Governor. He furthermore stated that he planned buying other leagues but that he was

satisfied with only one league in that part of the country.³⁷

³⁷

Adolphus Sterne to Smyth, March 25, 1835.

On the same day Nixon wrote Smyth that the fifty dollar premium on the resale of leagues above the stipulated amount of five dollars per labor, must be discontinued. Nixon particularly asked Dr. Hotchkiss to quit taking the fifty dollar premiums. The idea was that Mason, Durst, Johnson, and others had been selling their large land grants in one league and eleven league lots for what they could get for them, and such men as Hotchkiss had taken some of these certificates and were retailing these leagues at fifty dollars above the Governor's auction price. That was what Nixon called a premium. It had made Governor Viesca angry because it was money that he would otherwise get, or would have got already if he had sold the certificates at a higher price. On the face of the thing, however, it would appear to be a practice hard to stop, even if the Governor had had the legal authority to prohibit it.³⁸

³⁸

Ibid.

On April 1, John Durst, a member of the Monclova Legislature, wrote Smyth a letter which forcefully illustrates the low state of public morals at that time:

Everything is in confusion here. The Military has threatened intervention. A new law has been passed to allow the Governor to sell more land to provide an army. The two leagues you surveyed for me in the twenty league border are not safe without the written consent of the Empresario who obtained them. It is not much at any rate, and we had better sacrifice them. Nothing but a great change in public sentiment can save our Red River lands. You must not make this news public. I have a proposition before the house to ratify all claims into titles as given by the Commissioners. It will pass, I have no doubt, from appearances. I could have passed it today but for the smartness of Carbajal. He voted against it simply because it was not his own bill, thereby tying the vote and causing it to lay over until tomorrow. A little money will talk again I am sure.

P. S. I have but this moment succeeded in obtaining Carbajal's promise. It was just as I said, yesterday but it took more twisting and squirming than I imagined for a new member arrived today.³⁹

39

John Durst to Smyth, April 1, 1835. Durst feared that the Government might force him to discontinue his sales from his one hundred and twenty-four league grant, or might even nullify the sales he had already made, the titles of which had not been completed. This is the same J. M. Carbajal who two months before had left Nacogdoches to serve in the Legislature.

Meanwhile Smyth continued his surveying in East Texas. Sterne must have continued in extensive land business for he wrote Smyth April 10, seeking in vain to get the busy Smyth to survey an eleven league grant west of the Neches River. It must have been bought from John Durst for most of Durst's one hundred and twenty-four leagues were sold about that time.⁴⁰

40

Sterne to Smyth, April 10, 1835.

On the same day Smyth also turned down a similar offer for an eleven league survey from Mr. Theophilus Cushing. The records do not indicate whether Smyth was still busy on the small one-league surveys, or was surveying Jasper, or was unwilling to have anything to do with the big speculators in land. Smyth probably continued to survey single league grants of land out of John Durst's grant. The order of Levi Munn for one league is typical. He was one of de Zavala's colonist and was sent by Nixon to get a league of land surveyed by Smyth somewhere in the vacant lands of Zavala's colony. This shows plainly that the Commissioner was not respecting Zavala's rights, but was permitting land to be located in de Zavala's Colony. De Zavala secured a cash settlement with Nixon, however, for selling land in de Zavala's grant to one of de Zavala's Colonist.⁴¹

41

John Durst to Smyth, April 28, 1835.

It was about this time that Smyth was busy getting his own land grant arranged for. He located his league of land in Jasper County in de Zavala's Colony, east of the Neches River, just below Walnut Creek. It was about fifteen miles from Jasper, or what had been called up to now Bevil's

Settlement, and about thirty miles from the coast. The land grant claim itself was signed by Commissioner Nixon May 6, 1835. It was then presented to General Filisola, who had succeeded Madero as the new Land Commissioner for the Eastern States of Mexico. Filisola signed it and then it was countersigned by Viesca, Governor of Coahuila and Texas, before the actual title was issued to Smyth. This extraordinary procedure was necessary because the league in question was ~~within~~ the twenty league border zone next to the United States.⁴²

42

Smyth Land Grant, May 6, 1835, Spanish Titles, Texas Land Office.

Smyth continued to live in what was henceforth called Jasper; that is, his family lived there. He made the arrangements with Thomas F. McKinney to have his family supplies brought in from New Orleans by way of Galveston. He also made arrangements to have goods brought into the store owned and operated by his father-in-law, Joseph Grigsby.⁴³

43

McKinney to Smyth, June 1, 1835.

This shipment of goods arrived from New Orleans at Grant's Bluff on the Neches River only a few miles from Jasper about August 20, 1835.⁴⁴

 44

McKinney to Smyth, August 14, 1836.

Commissioner Nixon was much over worked. He wrote Governor Viesca a letter asking him to get someone else to take over the East Texas Land Office, or let him appoint some one, for he was too sick to carry on the work. There is no evidence to prove it, but the fact that Nixon became an extensive land speculator may have been his real reason for wanting to get out of the office. The fact that he had chills was no excuse, for they were common in East Texas at that time.⁴⁵ Nixon was told by Viesca that he could

 45

Nixon to Viesca, Nacogdoches Archives, June 2, 1835.

turn the office over to whomsoever he pleased.

Smyth was notified by his friend C. S. Taylor of Nacogdoches that through Commissioner Nixon's recommendation he was the nominee for the next land Commissioner at Nacogdoches. The appointment was made May 23, 1835, but Smyth did not know about it until sometime early in June, when this and other letters began to arrive.⁴⁶ The official

 46

C. S. Taylor to Smyth, June 1, 1835.

notice of Smyth's appointment is preserved today in the Texas

Land Office. It is in Spanish and very elaborate.⁴⁷

⁴⁷

Viesa to Smyth, Old Spanish Titles, 24, May 23, 1835.

Nixon, William S. Sigler and others also wrote Smyth of his appointment as Land Commissioner, and urged him to hurry to Nacogdoches. These men brooked no delay in getting their titles for they knew that Santa Anna opposed the rush with which the Monclova Legislature was dispensing the public land. Nixon assumed that Smyth would accept, since he had worked in the office once before, so he left before Smyth had time to get to Nacogdoches.⁴⁸

⁴⁸

Sigler to Smyth, June 8, 1835; Nixon to Smyth, June 6, 1835.

Smyth came to Nacogdoches immediately and took up his official duties. Adolphus Sterne had been left behind by Nixon to show Smyth about the office procedure and acquaint him with the immediate work. It seems that Nixon's ulterior purpose had been to be certain that the claims of the land speculators were not disturbed in favor of the "squatters". Smyth seems to have accepted without protest the conditions he found. He could not have stopped the work of the speculators if he had tried to do so, for he had little discretionary power. It seems that whenever an applicant for title presented his certificate properly signed

with the surveyor's sketch of field notes the commissioner was obliged to grant the title unless there was some irregularity evident in the proceedings. There is no question but that he supplied all seekers with titles when they followed the proper procedure and he was kept very busy at this work. There was no trip to Jasper to see his family. There was no letter telling them about how his work was progressing. The work of perfecting titles to the land sales of such men as Mason, Durst, and others in eleven league blocks represented a heavy burden. Unfortunately for the historian there is a very little documentary material extant on Smyth's career as Land Commissioner for the State of Coahuila and Texas. The Nacogdoches records for that period were burned up in a fire that occurred in 1848. The personal letters of Smyth for this period have also been destroyed.⁴⁹

49

Charles Frances Ward, great grandson of George W. Smyth is authority for the following story: There is a tradition in the Smyth family that one of Smyth's grand daughters did not like the young man one of her sisters picked out for a husband. Particularly, she did not like the way he rummaged into their family history, so she took the old home-made cow-hide trunk full of letters of George W. Smyth, that the young man had been reading, out into the yard and burned them up. Ward and his wife are both descendants of Smyth. Her prized possession is the picture of Smyth on the frontispiece.

However Smyth states in his brief autobiography dated September 18, 1857, that he continued to "discharge the

duties of his office until December 19, 1835."⁵⁰

⁵⁰

Smyth to Eddy, September 18, 1857.

When war with Santa Anna seemed inevitable, the Permanent Council (A temporary revolutionary government which the Texans set up in the early autumn of 1835) by a resolution of October 27, declared all land offices in Texas closed and all surveys suspended. Then, on November 3, the Consultation, a more representative revolutionary body, assembled, and on November 9, a sub-committee of this body reported that "the land offices have been closed, that no advantage should be taken over the soldier in the field in making his selection of lands."⁵¹ But Smyth had not closed the Nacogdoches land

⁵¹

Frank W. Johnson (edited and partly written by E. C. Barker and E. W. Winkler), A History of Texas and Texans, (Chicago, 1914), I, 305.

office and did not propose to do so. The Consultation adjourned and left a provisional government in the form of Governor Smith and a standing committee. Dr. Samuel Everett was chairman of this committee. To "protect the interest of Texas", Everett, on November 19, wrote Smyth to close the Land Office. But Smyth still refused to do so, probably because Thomas F. McKinney, a silent partner in the land specu-

lations, advised against it saying that the Committee had no power to close the Land Office.⁵²

⁵²

Barker, Life of Stephen F. Austin, 480-490; Everett to Smyth, November 19, 1835.

Smyth continued in the discharge of his duties to Durst as well as to poor men like Levi Munn, who had made a note for land, tools, corn and even horses--apparently all furnished by John Durst.⁵³ On December 19, 1835, Everett again

⁵³

Munn to Smyth, September 20, 1835.

ordered the office closed. This time Everett came in person to see that it was done. Smyth had twice refused him, but by now the Texas revolutionists were victorious and public opinion demanded that the office be closed. Smyth never made any apologies for his refusal to close the office until public opinion compelled him to do so. In fact he always questioned the legality of the procedure the provisional government used, and in later years he indicated that he finally yielded more out of consideration to public sentiment than to the decrees of the Committee. On December 8, 1835 the Committee of the provisional government which had been charged with the duty of closing the land offices during the revolution had voted, "that a majority of said members shall

have power to act in closing land offices in Texas."⁵⁴ Con-

54 Papers of

The Provisional Government of Texas, 78, State Library.

cerning this matter Smyth stated from memory in 1857:

But I closed the books and obeyed one member of the standing committee instead of a majority of the special commissioners later appointed by the state as the law required. The books were closed, never to be reopened again in the capacity of a Mexican Land Commissioner.⁵⁵

55

Smyth to Eddy, September 18, 1857.

However, this statement means little as a satisfactory explanation of his conduct. By his delay in closing the Nacogdoches land office Smyth played into the hands of the land speculators whose influence over him seems to have been very great. It must be said, however, that there is no evidence whatever to indicate that he himself profited in any way from this delay. Furthermore his attitude was legally sound. He was a state officer, subject to the orders of the state administration and it was his privilege to determine whether or not he would obey the decree of a revolutionary government which claimed jurisdiction over Texas only. Also it is well to remember that the Texans had not yet declared themselves independent of Mexico. He waited until the revolution had proved successful and then

yielded as gracefully as the situation would permit.

After closing his land office Smyth returned to Jasper for the first time since assuming the commission-ship in June, 1835. He brought Doctor Everett home with him as a guest. When Everett left, Smyth went again to his closed office, obtained a wagon and team, and "brought all his official paper and equipment" back to his home for safe keeping. Official paper may or may not mean valuable letters and documents. It might mean only paper as yet unused.

At any rate, in January he took some land records with him to Washington, Texas to turn them over to the Governor and Council.⁵⁶

56

Smyth to Everett, January 6, 1836. Smyth does not say whether or not he made another trip to Nacogdoches after the records. It is probable that Everett asked him to bring them first to Jasper, and then later to bring them on to Washington, Texas. Evidently more of Smyth's letters are missing here.

The Smyth letters throw more light on the attitude and conduct of the Anglo-American population during the spring of 1835. The disturbance over the public land sales in Texas caused William Gregg, brother-in-law of Smyth, to change his mind about coming to Texas and ^{to} go into Arkansas. Smyth's reply to Gregg's letter, May 22, 1835, indicates the political and religious freedom allowed the Anglo-American colonist in Texas. Smyth stated that Texas had been filling

up faster during 1834 and 1835 than ever before. Zavala, De Witt, and Burnet had brought in at least twelve hundred families. Austin had brought in at least that many more. But the drawbacks to settling in Texas kept many more away. They did not know about using Austin's signed passports to evade the immigration laws. They had heard that Protestantism was forbidden, and that there were no means by which they could educate their children. Smyth remarks, however, that this appeared worse at a distance than it really was. No man was interfered with because of his religious feelings or opinions on worship--in fact, there was not one priest in all Texas. The truth was that immorality about Nacogdoches was the strongest prohibition to religion of any form. But no man had ever been molested, even there, on account of his religious views or practices.

There was a great deal of talk about the Revolution in Texas, but Smyth believed it was like a volcano, the eruption had a local action only and that was soon over with. The general effect was such that "come what may I [Smyth] am convinced that Texas must prosper. We pay no taxes, work no public roads, get our land at cost, and perform no public duties of any kind." The Mexicans had allowed them trial by jury and had made the English language legal--laws were published in both languages. The tide of immigration was from all parts of the United States. Many seemed to have wealth

and character.⁵⁷

57

Smyth to Gregg, May 22, 1835.

May 23, John Gallagher wrote to Smyth that the tide of immigration was still growing, men were moving in from all parts of the United States. Most of them were bringing wealth to stake upon the plains, and were willing to take their chances with Texas prosperity. There had been more floating capital in Texas during 1835, than during all other preceding years put together. Gallagher felt that the new trial by jury law was adequate to the wants of any community. He was enthusiastic about the legalization of the English language. He thought Texas must ultimately either become a part of the United States or, at least, become a separate Mexican State. The Consultation of 1833 was an untimely and fruitless effort, Gallagher thought. Coahuila objected to separation from Texas at that time because she had a majority in the legislature and could make money on the sale of Texas lands. By 1840, Texas would certainly have a majority of the fourteen members of the Legislature. Coahuila would then be the strongest advocate for separate statehood. The certain prospect of this, he thought, would probably cause Coahuila to throw Texas off long before that time. The people were confident about slavery too. Their indentures on slaves passed for bills of sale

in the United States without discount.⁵⁸ These Smyth letters

58

John Gallagher to Smyth, May 23, 1835.

indicate that during the spring of 1835 there was little
real revolutionary sentiment in Texas.

CHAPTER III.

A SERVANT OF THE REPUBLIC OF TEXAS

George W. Smyth was first called to serve the cause of the Texas Republic on January 20, 1836, when an election took place for the selection of delegates to a General Convention for the purpose of declaring Texas independant, forming a constitution, and setting up the machinery of government. Smyth was not even in Jasper County when the election took place. He had returned to Nacogdoches, hired a wagon, and was transporting the papers of his closed land office back to his home below Jasper.¹

¹

Smyth to Eddy, September 18, 1857.

This General Convention met at Washington on the Brazos River, March 1, 1836. Smyth had not served the provisional government in any way. In fact he would have nothing to do with it, but he was a regular member of the convention that formally declared Texas independent and established the government of a free Texas under a new constitution.

On Wednesday, March 2, 1836, Mr. Childress read the Declaration of Independence to a convention that had assembled that morning. The paper went through the committee

appointed, was reported, re-read and adopted in less than one hour. Houston made the only speech on it.²

²
Wm. F. Gray, From Virginia to Texas, 128, Grey and Dillage, Houston, Texas, 1846.

When the convention re-opened at nine o'clock the next morning, Robert Taylor of Nacogdoches, and George W. Smyth of Jasper appeared and took their seats.³

³
Ibid., 129.

The Declaration of Independence was then signed. Smyth signed just after Lorenzo de Zavala and just before his fellow delegate from Jasper, Mr. Everett. His name appears as number twenty-five on the list.⁴ In the scant

⁴
H. P. M. Gammel, Laws of Texas, I, ^{128,} Austin, 1898.

official, documentary, and printed records of this convention there is no evidence that Smyth did anything whatever except answer roll call and vote.⁵ Evidently young Mr. Smyth was

⁵
Ibid.

feeling the full effect of a novice attending his first affair of this kind.

The next few days were taken up with committee work. They worked night and day--Sunday was just another day of work to them.⁶ Every day they fought off proposals

⁶

Gray, From Virginia to Texas, 130-131.

to move the convention to Nacogdoches, or some other place farther away from the on-coming Mexican Army.⁷ The Con-

⁷

Ibid., 133-134.

stitution was passed by sections which had been much altered and amended during the various deliberations.

Smyth recorded his vote for non-imprisonment for debt on March 12, 1836. Near twelve o'clock, March 16, the Constitution was adopted.⁸ During the night of March 16-17

⁸

Ibid., 135.

a rider came through from the west spreading the false alarm that the Mexican cavalry had reached Bastrop. In the early forenoon of March 17, the Convention adjourned in some confusion, the members erroneously thinking that the Mexican Cavalry was near.⁹

9

Ibid., 134-136; Texas Magazine, "The Constitutional Convention," March 21, 1897.

Smyth did not take any other active part in the Texas Revolution. After the adjournment of the convention he hastened home to his family at Jasper. Soon he moved his home and family to his league of land some fifteen miles southwest of Jasper, and there "commenced opening a little farm and making the improvements necessary to the comfort of a family."¹⁰ Here he continued to live peacefully during

¹⁰

Smyth to Eddy, September 18, 1857.

the stormy war period and the turbulent days that followed. For a short while he was a somewhat typical Texas planter, raising cattle, hogs, cotton, corn, sugar cane, potatoes, etc., until he was called to survey the Texas and United States boundary in November 1838.¹¹

¹¹

Ibid.

Dr. William Everett wrote Smyth in April, 1837, from Washington, Texas, and offered him the job of Surveyor General for his home district--four counties--or, if Smyth preferred, he could have the office of Register Receiver; but Smyth refused both offers.¹² A little later Smyth, the farmer, was

¹² Everett to Smyth, April 17, 1837; Smyth to Everett, April 28, 1837.

again tempted by the call of his friends. In July, a Mr. Ralph asked permission to place Smyth's name in nomination as a candidate for the Texas Senate, but this honor was also refused.¹³

¹³ Ralph to Smyth, April 28, 1837.

During this time Smyth must have had an interest in Joseph Grigsby's store in Jasper, for he made the arrangements with McKinney to haul a shipment of goods from McKinney's Bluff on the Brazos River to Jasper.¹⁴ It seems, however, that

¹⁴ McKinney to Smyth, November 11, 1837.

Smyth could not stay out of public office. State Representative Everett obtained the appointment of Smyth as Jasper County Land Commissioner in December, 1837, and this appointment Smyth accepted.¹⁵ Thus he spent the year 1838 in business in Jasper

¹⁵ Everett to Smyth, December 16, 1837.

and as County Land Commissioner.¹⁶ Early in 1829 he resigned

 16

Andrew Smyth to George W. Smyth, March 5, 1838. The papers for this and several following years were burned when the old Nacogdoches Court house burned. Also the personal letters for the period are missing due to a member of Smyth's family burning them up.

his position as County Land Commissioner to take up the post of Surveyor for Texas in the settlement of the eastern boundary of Texas on April 25, 1838.

On April 13, 1838, Memucan Hunt was given full power by R. A. Irion, Texas Secretary of State, to enter into a treaty with the United States concerning the boundary between Texas and the United States. Hunt and John Forsyth, Secretary of State for the United States, now visited New York together, where an agreement was reached without difficulty. In this treaty of April 25, 18³8, the line was to be run from where the Sabine River entered the Gulf of Mexico, up the west bank of the Sabine to where that stream is cut by the thirty-second parallel, thence northward to Red River. The agreement had to be ratified by both governments within one year to make it effective. On May 10, the United States Senate ratified the agreement. On June 10, Texas also ratified the convention.¹⁷

 17

T. M. Marshall, History of the Western Boundary of the Louisiana Purchase, 207-224.

Since each government had now ratified this agreement of April 5, both governments appointed commissioners, and then changed them as the wrangling over confirming them proceeded. The Texas government first appointed Shelby Corzine, but he eventually declined to accept. The Senate failed to confirm Sam Houston's nomination of C. S. Taylor.¹⁸

¹⁸

E. W. Winkler (Editor), Secret Journals of the Senate of the Republic of Texas, 1836-1845, (Austin, 1914), II, 180.

As Houston's term expired, the filling of the position dissolved upon Lamar. He first nominated Branch T. Archer as Commissioner; C. R. Johns, Surveyor; and Hamilton Bee, Clerk.¹⁹

¹⁹

Webb to Labranche, May 27, 1839, Texas Diplomatic Correspondance, II, 52, (George R. Garrison, Editor, Washington, 1900.)

The Senate rejected the nomination of Archer and Johns refused to serve. Dr. Isaac N. Jones was then appointed commissioner and George W. Smyth, surveyor. Jones refused to serve, and so did David Sample who was nominated next. On November 27, Memucan Hunt was appointed and confirmed.²⁰

²⁰

Secret Journals, 140, 1836-1845, Texas University.

Hunt was the popular and prominent leader of the New Orleans volunteers who had come to Texas and served so well the cause of Texas Independance. He had also served as Wharton's aid

and successor as special minister to the United States.²¹

²¹

George P. Garrison., (editor), Texas Diplomatic Correspondence, I, 23.

He was the logical man for the position, as he had just finished negotiating the boundary treaty between the United States and Texas.²² Judge John H. Overton of Tennessee, a personal

²²

Ibid., I, 41.

friend of President Jackson, was appointed as the United States commissioner. John H. Conway was to be his surveyor.²³

²³

Ibid., I, 24.

The first meeting of the Commissioners was in New Orleans April 25, 1838. General Hunt and Smyth had met at Galveston previously and boarded a ship for New Orleans.²⁴

²⁴

Smyth to Everett, April 25, 1838.

This joint meeting broke up on August 7, due to an epidemic of yellow fever in the city, without having completed arrangements for a start. Dexter had come too late to help represent Texas.²⁵

²⁵

"Journal of the Joint Commission," Senate Documents, 27 Congress, 2 Session, No. 3, 12.

The Commission next met at Pine's Bluff on the Sabine River on November 12, 1839. Overton, Conway, Sample, Smyth, and Bee were present, Sample acting in Hunt's place. They moved about fifteen miles up the river to Mills Pough's Bluff, and ~~en~~²⁶camped to wait for their instruments. It

²⁶

Ibid., 27.

was January 20, 1840, before Hunt took Sample's place as the Texas Commissioner. February 12, found Judge Overton ready with his instruments to go to work, but the Texans seemed to have expected the United States to furnish their instruments also, hence they were without anything to work with. They refused to work with only one set. Then the map they were supposed to use could not be found in the State Department at Washington, D. C. Since Jackson and Martin van Buren expected to claim the Neches River as the Sabine River, it was to their interest that the map should not be found. The Texans were without pay until their work was completed,²⁷

²⁷

Ibid., 31

and the delay was very embarrassing to them.

The first difficulty that confronted the surveyors after Smyth obtained his own instruments pertained to the problem of laying the line through Sabine Pass and Sabine Lake. The mile wide pass widened out into a lake that was

about seven miles wide and twenty miles long. Associated with this main problem were such questions as the right of Texas to use the Sabine Pass, a fifteen mile stretch of water from Sabine Lake to the Gulf, and where the exact line was to go. In the absence of the original Melish map, it was impossible to agree on the boundary, and all work ended for the time being in a vain effort to decide whether to split Sabine Lake and Pass, or follow the west shore.²⁸

²⁸

T. M. Marshall, History of the Western Boundary of the Louisiana Purchase, 232.

Overton's opinion was that:

The claim set up by Hunt to the center of the Sabine Pass, Lake, and River is preposterous and cannot be entertained for a moment. The River prescribed by the Treaty is the Sabine, but the West bank is the line from the point at which it empties into the Sea.

Thus Overton was instructed to withdraw from the commission and report to the State Department at Washington, D. C.²⁹ When Hunt saw that Overton was really going to leave

²⁹

Ibid., 234.

and not compromise, he withdrew from the commission, and stated that if the work was delayed it would not be considered as binding Texas.³⁰ The Texas Secretary of State, Lipscomb,

PLAN OF SABINE LAKE

STATUTE MILES
0 1 2 3 4 5 6



³⁰Ibid., 235.

then notified Smyth to continue as Commissioner in Hunt's place, and gave him minute details of what was or was not to be done.³¹

³¹Lipscomb to Smyth, May 7, 1840.

On May 21, 1840, a fifty foot circular mound of earth twelve feet high was formed on the shore of the Gulf. A pole thirty six feet high with a pitch pointed peg was placed in the center. Bottles were buried at each of the cardinal points of the compass four feet from the pole, in each of which had been placed a paper giving full particulars. Smyth signed each as the official surveyor for Texas.³²

³²Journal of the Joint Commission, to survey the Texas-Louisiana boundary, 59-60.

From this point they followed the west bank of the Sabine Pass and Sabine Lake to the mouth of the Neches River. Here they arrived at the critical point of the international controversy. Would the representatives of the United States insist on following this stream instead of the true Sabine, on the ground that this was the river which the Anglo-Americans

had intended to agree to as the boundary in the treaty negotiated with Spain in 1819. Such a contention had no foundation in fact. But Texas was weak and the United States strong and there was no assurance that the rights of Texas would be respected. But the American Commissioners did not insist on this unreasonable interpretation of the boundary agreement. They agreed to cross the Neches and go on to the Sabine. The reasons for accepting the Sabine instead of insisting on the Neches as the Eastern boundary of Texas are set forth as follows: the Neches flowed from the west and was very small above the Angelina, the Sabine flowed generally north and south and was a much larger stream, being navigable for at least two hundred miles; also their maps indicated the true Sabine; and old settlers stated that the Sabine had always borne that name.³³

³³

Ibid., 60-61.

On May 22, the Commissioners hired the "Albert Gallatin" to carry them up the river. Above Gaines' Ferry, on the journey up the stream the overhanging trees and the crookedness of the river bothered them. On May 31, they spent several hours removing a raft in the river. As they approached Logan's Ferry the river became wide and deep.³⁴

³⁴

Ibid., 61-63.

As Logan's Ferry was near the thirty-second parallel, the steamboat was released and a camp made on the Louisiana shore. They moved into the camp on June 3. They were rushing the work, and having more trouble with the moonlight than anything else. Their position had to be verified at night by the stars. A very bright moon so reflected on their instruments that their true position was hard to keep checked. The wet season was causing sickness and since their funds were getting low it was determined to adjourn until November.³⁵

³⁵

Ibid. 63-64.

On November 23, Texas voted ten thousand dollars to carry on the work. It was February 14, 1841, before they again started to work.³⁶ Owing to the state of the weather

³⁶

Lipscomb to Hunt, May 7, 1840; Ibid., 64-65.

the observation work was delayed several days. Sextants had not yet arrived from Washington and in order to save expense, Overton, at Smyth's suggestion discharged all but twelve of his camp followers. Little was done until John Sitgraves, Overton's military aide, arrived March 20, with the sextants. By the time they had the starting point located the river overflowed and drove them out.

When they did get started, they covered from one to four miles per day.³⁷ Each mile was marked by a pile of earth

³⁷

Ibid., 66-67.

five feet high and fifteen feet in diameter, upon which an eight foot wooden post was placed with "U. S." on the east side and "T" on the west. The south side gave the number of miles from the thirty-second parallel. At the foot of each a bottle was buried containing an inscription.

The work now continued daily until May 14; by that time thirty-six miles had been surveyed and marked. They did nothing that day, but go to Greenwood and take part in the memorial services that had been proclaimed because of the death of President Harrison.³⁸

³⁸

Ibid., 68-70.

On May 18, they reached the shore of Ferry Lake, a body of water about three miles in width where they had to cross it. An island near the center was named Neutral Island and the forty-sixth mound was located near the center. The lake was crossed on a scow they had made. It took three days to get their equipment across. They remained stuck in the bogs on the north shore for a few days. When "Jim's Bayou", one of the arms of the lake, was reached, it was

necessary to wade into the water and cut a trail through the forest of cypress. They found it impossible to use their rafts after they had constructed them. The water was too shallow, the mud too deep, the heat excessively oppressive, and the mosquitoes were everywhere. The stale water, the underbrush, and the bogs made it such slow work that the surveyors (those who were not yet sick) made only about ten miles in a week.³⁹

³⁹

Ibid., 70-72.

On June 15, they reached the thirty-third parallel, and planted a post that was marked "33° Latitude". On either side of this post they planted a tree. This marked the division line of Arkansas and Louisiana. Here Judge Overton became sick from the constant exposure to the mosquitoes and swamps, but Smyth continued the work of surveying and looking after the sick. On June 19, they had a shortage of bread, and the men refused to work, but Smyth secured bread after only one day had been lost. Judge Overton became dangerously ill, and three of his men were also sick. Smyth continued to drive ahead with the few men who were able to go.⁴⁰

⁴⁰

Ibid., 72-76; Manville to Smyth, August 14, 1840.

On June 14, they moved camp to the south bank of

Sulphur Fork of Red River. In moving camp they pushed the carts as the oxen stuck in the swamps. On one occasion they rode their swimming oxen across a creek. After they arrived at Sulphur Fork, it took two days to construct the rafts that carried them safely across the swollen stream. From here on there were no great obstacles, and on June 29, they reached Red River. They had run over one hundred and sixty miles of line since they left the Sabine River on May 9.⁴¹

⁴¹
Ibid., 76-80.

The Journal shows that during all these difficulties, Smyth had been the leader, the one to say when the party should go or stop, the first one to wade a swamp, to hack a trail through the undergrowth or to run the line through the lakes, and the youthful and inexperienced young West-Pointers who represented the United States were always glad enough to follow this veteran surveyor. George Meade was one of the young men who got a part of his education here in these swamps.

When the surveying was finally finished Smyth was in such a hurry to get home to his family that he hired a boat to make a special trip down Red River to Caddo Prairie, paying twenty dollars for this service.⁴² It was not political

⁴²
Williams to Smyth, July 7, 1841.

reasons that caused the hurry, because Smyth had just refused a senatorial nomination--a petition of one hundred and fifty names had been sent to him by his old friend Robert Williams, a farmer near Jasper, urging him to become a candidate for Senator.⁵⁴ The records do not indicate the reason for his

⁵⁴

Williams to Smyth, June 28, 1841.

refusal.

It was December, 1841, before Smyth went to Washington, Texas and made his final report on the boundary settlement. The Secretary of State accepted his account of disbursements and presented them for ratification by the Legislature. There was no debate on the matter.⁵⁵

⁵⁵

Smyth to Eddy, September 18, 1857.

Smyth spent the next three years at home, as a farmer. The records are completely inadequate for this period. In his brief autobiography Smyth states that his entire time was devoted to his domestic affairs. In 1844, he was elected a member of the House of Representatives from Jasper County. He served the sessions of 1844 and 1845, and the special session of June 1845.⁵⁶

⁵⁶

Ibid.

The Ninth Congress of the Republic of Texas met at Washington, Texas, December 2, 1844. On December 3, George W. Smyth came forward, presented his credentials and took the oath of office.⁵⁹ His service in the Congress of the Republic

⁵⁹

Journal of the House of Representatives of the Texas Republic, IX Congress, 6.

of Texas was not in the least outstanding. On December 5, when the committees were named, he was placed on the finance committee with Johns, Sadler, Jones, and Dunn.⁵⁸ On December

⁵⁸

Ibid., 19.

7, Smyth was made a member of a special committee to examine a report of the Commissioner of the Land Office. Later this committee reported recommending that the Land Commissioner's report be adopted.⁵⁹ On December 14, he introduced a bill

⁵⁹

Ibid., 41.

to pay Isaac Van Zandt for his services as a Commissioner to the United States. It was taken up, the rules suspended, and passed by a vote of 27 to 9.⁶⁰ On December 15, he voted for

⁶⁰

Ibid., 41.

the location of Austin as the county seat of Travis County.⁶¹

⁶¹

Ibid., 47.

On December 17, he reported two bills for his committee. They were special appropriations for the citizens of Goliad and Bexar Counties. Both the bills passed after the usual routine.⁶² On December 19, Smyth introduced a bill to have

⁶²

Ibid., 58-60.

the Secretary of the Treasury pay Mr. Gail Borden for his period as Collector of Revenue at Galveston. This bill was defeated because the Senate was offering to pay Borden by means of a joint resolution, which passed.⁶³

⁶³

Ibid., 79.

January 7, 1845, Smyth reported out of the Finance Committee, four bills, each for the relief of Rowden, Wright, Hatch, and Edson counties respectfully. These bills were to relieve those counties of some questionable debts such as surveying, building bridges, or otherwise spending without visible taxes to pay such expenses. These bills were defeated because the Republic did not have funds to meet such expenditures.⁶⁴

Again Smyth reported, although he was not chairman, a bill from his committee on finances. This last bill of January 16, 1845, proposed that Texas abolish her exchequer (paper money) system. The exchequer system was founded when Texas had no other means of financing herself and the issue at which Smyth aimed was of January 19, 1842. The old Treasury notes which had been issued between 1836 and 1838 had been repudiated in 1839. In order to pay the nation's bills Congress had to get money. Instead of raising taxes they issued Treasury notes. But these notes had to have a new name; so Congress called them exchequer bills and spoke of their new financial plan as the exchequer system. They were promises to pay, when the government had no ability to pay. The exchequer bills had dropped to thirty-three cents per dollar in value. The state was losing tax money when it accepted them at par. Regardless of the government's promise to pay them at par, Smyth felt they should be repudiated, and a better means used to finance the government as soon as possible. Smyth does not indicate the "better means" with which he would finance the government, neither does he explain how the proposed repudiation of this paper money would improve either state or private finance. On this matter he

was, as always, brief to an extent that is tantalizing to his biographer. The bill was defeated.⁶⁵ On January 16, Smyth

⁶⁵

Ibid., 169.

moved that the annual appropriation bill be taken up, but it was postponed. On January 18, he was acting chairman of the finance committee due to the absence of Mr. Dunn, and on that day he offered a bill that the Senate had sent in, to repeal the unimportant fifth section of the act to raise public revenue by direct taxation. It was taken up and passed on motion of Mr. Robinson, after a second reading, by a 22 to 15 vote.⁶⁶

⁶⁶

Ibid., 249

That same day Smyth made a motion that the Senate's bill to place a direct tax on forms of indebtedness should be taken up. They took up and passed the bill without discussion in the House. It had been framed in the Senate and passed that body on January 21. Smyth was one of the twenty-one voters who passed the bill for the incorporation of Baylor University at Waco.⁶⁷ Monday, February 6, Smyth was absent for the first time. The session closed February 11, 1845.

⁶⁷

Ibid., 256.

The special called session of the Ninth Congress of Texas met at Washington, Texas to consider the question of annexation to the United States, and also the treaty of peace between Mexico and Texas which had been signed at Mexico City, May 19, 1844.⁶⁸ On June 20, 1845, Smyth voted

⁶⁸
Journals of the Extra Session of the Ninth Texas Congress,
4-8, (Austin, 1844.)

for the Joint Resolution to annex Texas to the United States.⁶⁹

⁶⁹
Ibid., 40.

That same day he voted for the removal of the state capitol to Austin, Texas. On June 21, Smyth offered the following resolution:

Resolved, That the House of Representatives shall donate its surplus stationary, which may remain after adjournment of Congress, to be transferred to the convention to meet at Austin July 4, 1846, to establish our state constitution. The chief clerk of this House is hereby authorized to make all arrangements for the transportation of said stationary to the city of Austin.⁷⁰

⁷⁰
Ibid., 62.

It was adopted at once. Smyth continued to be present and vote for the remainder of the special session, but the record does not show that he proposed any other

legislation, or spoke on any other question before the House. In general it may be said that Smyth had, by a slow degree, come to have more influence in committee work, but he was still entirely too timid on the floor of the House. He had made many friends and become very much more popular than this meager record indicates.

The Congress of Texas had voted in favor of annexation, but they wished to permit the voters of the Republic to pass on this question. Hence a Constitutional Convention was called to meet at Austin, July 4, 1845. The people selected delegates who were in favor of annexation and on assembling they promptly passed the Joint Resolution providing that Texas should become a part of the United States. There were fifty-four delegates in the Convention, with George W. Smyth representing Jasper County.

After passing the Joint Resolution, the Convention got to work to frame a Constitution. Thomas J. Rusk of Brazoria County was unanimously elected President of the Convention.⁷¹ That same day, five committees were organized.

⁷¹ Journal of the Constitutional Convention, assembled at Austin, July 4, 1845, (Austin, Texas, 1845.)

Smyth was placed on two of these, the "State of the Nation" and "General Provisions of the Constitution". ⁷²

⁷²

Ibid., 17.

The Convention resolved itself into a committee of the whole, July 22, for consideration of the report of the committee on the Legislative department. George W. Smyth was selected to take the chair while the above report was being acted upon, and occupied the president's chair for almost a complete day.⁷³

⁷³

Ibid., 96.

Mr. William Runnels of Brazoria County had offered a provision regulating the prosecution of state officials in their public capacity. It had failed and Smyth offered a substitute motion July 30, that provided that a jury might, under the direction of a court, determine both the law and the facts in cases of this kind, just as in other cases. The motion carried and the fifth article of the third section of the Constitution resulted when the provision was adopted.⁷⁴

⁷⁴

Ibid., 132.

In another matter Smyth's influence helped to shape the Constitution of 1845. A motion was before the Convention to have the Constitution state the purposes for

which funds could be appropriated. It was referred to Smyth's committee and reported back August 1. Then it had to lay on the table one day. On August 2, it was brought up again. Smyth offered a successful amendment to change the wording of the measure from: "the Constitution shall state those purposes for which funds may be appropriated" to "the Constitution shall state "the internal improvements for which funds may be appropriated." The result was that internal improvements were placed among the purposes for which the state might spend money, as the Constitution finally read..⁷⁵

⁷⁵

Ibid., 154.

August 6, Smyth offered a substitute motion that all state district judge's salaries should be fifteen hundred dollars per year, and supreme judges' salaries should be two thousand dollars per year. These salaries were not to be raised or lowered.⁷⁶ This motion failed. The schedule that was

⁷⁶

Ibid., 175.

later adopted provided for approximately five hundred dollars more on each salary.

On August 11, Smyth offered another proposal that seems remarkably modern. Possibly that was why it failed.

The measure would have permitted the Legislature to lay taxes on such pursuits, occupations, and incomes as it might think proper. The motion failed when it first came up, and was never presented again. Such a proposal would have permitted the legislature to shift the burden of taxation from real estate to the professions, industries, and incomes. The old surveyor showed his natural sympathy with the landowner--he owned a league of land himself. Yet this does not detract from the justice and validity of his proposal.⁷⁷

⁷⁷

Ibid., 205.

The Convention finished and accepted the Constitution August 27, 1845. It authorized Rusk, the president of the Convention, to mail one of the copies of the "Joint Resolution for Annexing Texas to the United States" to the President of the United States.⁷⁸

⁷⁸

Ibid., 370.

It seems that to evaluate properly Smyth's work in this convention, one must go beyond what was said on the floor. His advice was much sought after, and given due consideration. He often met with committees by invitation on some important subject. But as a speaker, and seeker of the spotlight before the people, he was nil.. He rather pushed

others forward. His method was simple, his aim obscurity for himself and his philosophy of law generally conservative and sound.

In early September, 1845, Smyth again came home to his family near Jasper.⁷⁹ During the year 1846, Smyth bought

79

There he found a letter from William R. Bee, asking him to recommend Bee as the next Secretary of State. There is no record as to whether Smyth did so or not, but history shows that Bee did not get the office;—Bee to Smyth, August 20, 1845.

two more slaves and began an extensive improvement of his farm. His brother Andrew had by this time become the owner of a steamboat and the Smyth brothers used this to bring their own and their neighbors cotton to market in New Orleans.⁸⁰

80

Smyth to Kaufman, November 8, 1846.

But Smyth did not remain for long unattached to the public service. So many people had offered his name before the Legislature for the office of Land Commissioner, that the House had asked representative Z. William Eddy, Smyth's old friend, to write and ask him if he would serve as Land Commissioner if he were appointed.⁸¹ On November

81

Z. William Eddy to Smyth, November 10, 1847.

14,1847 Smyth wrote Eddy that he would accept the appointment if it should be made.⁸²

82

Smyth to Eddy, November 14, 1847.

On February 28, 1848, the Legislature, on the first ballot elected Smyth over J. M. Ward and Thomas Patrick to succeed the deceased Robert Witherspoon as Commissioner of the General Land Office. It was suggested that Eddy write to Smyth and ask him to take up the office at once. Smyth came to Austin hurriedly, still wearing his homespun clothing, and took charge of his office the next day. Captain Crosby, the chief clerk in the land office "showed him around" and introduced him to the office force. He made no removals from the office force and there is no record that Smyth gave any of his friends a job at that time.⁸³

83

Smyth to his wife, Frances Smyth, March 11, 1848.

There were still a few people, some of them in the Legislature in 1848, who criticized Smyth for issuing land titles to the speculators when he had been Land Commissioner at Nacogdoches in November and December of 1835. Smyth wrote a letter to John H. Reagan in defence of his actions stating that he tried to give the East Texans what they wanted, and that he was placed in his office to do that. Reagan

published the letter with his comment that Smyth did no more than he had a legal right to do. It completely silenced any opposition to Smyth that had existed.⁸⁴

84

Telegraph and Texas Register, August 3, 1848.

Smyth took office March 10, 1848, by appointment, but his term was to expire in a few months, and his old friends William H. Everett, Thomas F. McKinney, Z. William Eddy, John H. Reagan, John Williams, Joe Anderson, H. R. Kaufman, John Sehvien, and others nominated him in a Jasper County convention July 4, 1849, as a candidate for Texas Land Commissioner. Smyth was elected by a large majority, his victory being explained as follows: (1) because of his friends wide activity, (2) because he was the holder of the office already, (3) because he was well known over the state, (4) because he advocated a systematic survey of the state lands, (5) and because Mr. Cartwright, his opponent was a very obscure man.⁸⁵

85

Ibid., August 14 to August 20, 1849.

Smyth continued at work in the Land Office until after his election August 4, 1849. He spent two weeks at home in September. But the time was so taken up with the arrangements for the sale of the crops by Andrew and the other details

of the farm that he had very little time for leisure with his wife and four girls. The girls were in school. The oldest could write fairly well for a girl of thirteen years. This girl, Jane, and her mother managed to write Smyth once a week. These letters tell of two barrels of sugar made, of forty bales of cotton gathered by the slaves, that it rained almost every day that the potatoes filled the double log bin, that the corn was piled in rail pens, that Andrew Smyth brought in the winter supply of groceries, certain neighbors were sick or had died, etc.

In his letters to his family Smyth never mentioned the business affairs of his office. The letters he sent were very much fewer than those he received, but they were very sympathetic and encouraging to the children in school.

The entire correspondence of the Land Office was taken up with land titles, land grants, and the numerous reports of the county land offices. The only records worth noting were the biennial reports made to the state Legislature. Smyth's first biennial report, on November 1, 1849, recommended to the Legislature a complete and systematic check upon the public domain . Because the state was still almost hopelessly in debt and had such an abundance of public land the Legislature was willing to accept the ten million dollar offer of the United States for the disputed territory in the north west that is now Colorado and New Mexico. The United States

was to pay the state this sum in five per cent bonds. Five million dollars worth of these bonds were turned over to the state promptly. Smyth probably contributed to the acceptance of the offer by Texas when he gave it as his opinion that the ten million dollar sale of land proposed to clear the state of debt would leave enough free land for two generations. He also asked the legislature to provide funds for the erection of a fire proof building to house the valuable land records of the state. These recommendations were taken up by the state and favorably acted upon.⁸⁶ The second biennial

⁸⁶

Letter books, IV, 215-224, Texas Land Office Archives.

report made by Smyth indicates the success of his first suggestions to the State Legislature.

Smyth made his second and last biennial report on November 1, 1851. He reported that the public domain contained 242,500,000 acres of land. Spain and Mexico had disposed of 5,500,000 acres; Texas had added to this, until it totalled 38,000,000 acres in 1851. Only 200,000 acres of the State University lands had been surveyed and nearly 64,000,000 acres of the public domain had been appropriated by the people. As it was his last report as Texas State Land Com-

missioner he complimented the state on the new land office it would have --the building was in process of construction at the time. In four years Smyth had been instrumental in attaining a suitable building for the state land records, had advanced the survey of public lands, had completed a systematic check upon the large public domain, and had organized the Land Office upon an up-to-date business basis.⁸⁶

⁸⁶

Ibid; V,214-221.

Near the close of his administration the Texas State Gazette said of Smyth:

He is certainly our most faithful public servant, he is always on the job. A most perfect gentleman in his conduct, and in short, he is the most amiable of men in both his public and private relations, I have ever known. And rest assured that no one will ever regret the efforts they made to place him in his present position.⁸⁷ Texas can boast of few public men such as Smyth.

⁸⁷

Texas State Gazette, November 3, 1851.

Sometime during November, 1851, Smyth went home to his family. He was not the strong robust man at forty-eight that he had been ten years before when he led the way through the East Texas swamps to run the boundary line. Sometime during life there comes a time when a man passes quickly from middle age to old age. It seems that Smyth was an old man

at forty-eight for he only superintended his farm now, where he had actually worked with the men when he was younger. He had no excuse for not working in the field other than ^{that} his health was poor, because he had no more slaves than formerly. But he managed to get only two years of rest from the public service.

On July 4, 1853, George W. Smyth was nominated by his friends in a Democratic Convention in Tyler, Texas, as their representative to Congress. He served through the thirty-third Congress in that capacity, representing the Eastern District of Texas. There were only two districts at that time, Peter H. Bell and George W. Smyth being the only representatives from Texas in the House at Washington.

On December 4, 1853, the Honorable George W. Smyth came forward in the United States House of Representatives, presented his credentials and took the oath of office and his seat. There are no personal letters to throw light on the period. Neither do the official records of the time give any information of consequence concerning Smyth. He was always present and voting, but nothing of unusual importance came up in which his vote had more than a party meaning. His name did not appear on any of the regular committees.⁸⁸ On January 4, 1854, he offered the following

⁸⁸

Congressional Globe, XXVIII, part 1, 26, The first session of the thirty-third Congress, (John Rives editor).

resolution, which was read, considered and agreed to:

Resolved, that the Judiciary Committee be instructed into [sic] the expediency of dividing the State of Texas into two Judicial districts, and report to the House by bill or otherwise.⁸⁹

⁸⁹

Ibid., 124, January 4, 1854.

On January 6, 1854, Smyth interrupted to announce^{that} his colleague, Peter H. Bell, was present and desired to be sworn in. Bell was sworn in at once, thus giving Texas two representatives in the House at that time.⁹⁰ On February 15, Smyth offered the

⁹⁰

Ibid., 138, January 6, 1854.

following resolution:

Resolve, That the Committee on ways and means be instructed to inquire into the propriety of greatly reducing the tariff duty on railway iron.

The resolution was passed by a vote of 80 to 63 and was turned over to the **Ways** and **Means** Committee. Obviously it was a forward step in getting cheaper materials so that the railroads might be extended into Texas. Smyth was no doubt working to get the proposed Southern Pacific Railroad to come through Texas.⁹¹

⁹¹

Ibid., 415, February 15, 1854.

The second session of the Thirty-Third Congress met on December 4, 1854. Smyth was present on the first day. On January 16, 1855, he asked the House for permission to have Representative Breckinridge's bill on taxes printed. It was granted. It seems that this was just a favor done probably because Breckinridge asked it.⁹² On January 17,

⁹²

Ibid., II, 502, January 16, 1855.

Smyth obtained the unanimous consent of the House to take the bill for the relief of Almanzan Huston of Texas from the table and turn it over to the Committee on Post Office and Post Roads.⁹³ It was during this session of Congress that

⁹³

Ibid., II, 569.

Smyth made what seems to be the only speech he ever delivered in all his public career. On February 6, Senate bill number 96 to provide for payment of creditors of the late republic of Texas was offered by George Chandler of Kentucky. Chandler proposed that the United States turn over to Texas for this purpose bonds to the value of \$6,500,000 ~~dollars~~. When Chandler's bill was read Smyth offered his substitute. He spoke for about an hour in favor of his bill, explaining that his substitute required the Secretary of the Treasury

of the United States to pay all just claims against the late Texas Republic which might be filed with the Treasury. Texas had already applied the five million five percent United States government bonds on her public debt.⁹⁴ Smyth esti-

94

It will be recalled that under the terms of the Compromise of 1850, Texas was granted by the United States \$10,000,000 in five percent bonds with which to pay her debts. Bonds to the value of five million dollars were turned over to the state promptly, but the United States held the remainder, the Secretary of the Treasury contending that he was not authorized to issue these bonds to Texas until certain creditors of Texas should file with him their releases. The matter was finally settled by the passage of Smyth's modified bill. —Johnson and Barker, Texas and Texans, I, 497ff.

mated that Texas still owed eight million five hundred thousand dollars. He proposed that the Treasury of the United States should issue similar bonds to pay these claims, the Treasurer of the United States settling with the claimants directly. Smyth's speech is technical, poorly organized and dry. He probably did some effective fighting for his state, however, for the bill which was enacted and approved on February 28, 1855 was substantially in accord with his proposal. Under its terms, Congress appropriated \$7,750,000 cash to be apportioned among the creditors of Texas pro rata. The State finally accepted this arrangement although there was much objection among Texans to the fact that Texas creditors were to be paid at the United States Treasury. This, however, seems

to have been what Smyth proposed, the only point of consequence where he failed to secure what he wanted in the law being that \$7,750,000 cash, instead of \$8,500,000 in six per cent bonds, was appropriated.⁹⁵ Smyth remained present for

⁹⁵

Johnson and Barker, Texas and Texans, 1502.

the rest of his final term in Washington, but he did nothing more worth mentioning. He came home to his farm this time to remain until the Texas Constitutional Convention of 1866.

On July 2, 1855, Smyth wrote a letter to John Cane of Tyler, Texas, refusing to become a candidate for reelection to the House of Representatives because of the failure of a nominating convention to meet and nominate him.⁹⁶ Thus ended

⁹⁶

Smyth to Cane, July 2, 1855.

his period of service in the National House of Representatives.

The Seventh Texas Legislature met at Austin, November 2, 1857. Due to Senator Rusk's death by suicide and the fact that Houston's term was about to expire, two Senators were to be elected. In a joint session of the State Legislature on November 9, J. Pinkney Henderson was overwhelmingly elected as the successor to Rusk, his single opponent, George W. Smyth, getting only three of the ninety-five votes. But

Smyth knew nothing of what his friends were doing at the time. It merely indicates the high regard a few men had for the Jasper County farmer.⁹⁷

⁹⁷

Lubbock's Memoirs, 224.

Smyth left very little personal record of these few years spent on his farm, but it seems that he could not keep his name out of public affairs altogether. For instance in the fall of 1859 he received a letter from the United States Attorney General, J. B. Graham, telling him that the Neches and Angelina rivers were now cleaned out and safe for water traffic, improvements which Smyth had requested in the spring of 1859.⁹⁸ The quiet East Texas farmer was not

⁹⁸

Attorney General Graham to Smyth, November 2, 1859.

without influence and all his efforts were constructive. He was a conservative in all his work, but he built well.

For instance Smyth was not a radical pro-slavery man. He protested the steps taken by the radical Southerners in the Galveston meeting in the spring of 1860. On April 9, 1860, Smyth wrote:

I enter my solemn protest against the platform adopted at Galveston to force Texas into secession from the Union. The faction that would hide itself

under the mandle ^x [sic] of Jefferson and Jackson must be stript of it's disguises and exposed in its native deformity to the people. The issue is made and must be met. If my name can avail anything in this great and necessary work, hoist it to your mast-head. In such an emergency, my name and my services of a right⁹⁹ belong to the people of Texas to prevent secession.

99

Smyth to Perbal, April 9, 1860.

The Galveston episode Smyth made reference to developed the following programme: Should the government fail to exercise those powers delegated in good faith,.. should the compact she has entered into with the states be broken or her duties to any of them fail to be performed,.. the State of Texas possessed the right as a sovereign, to annul the compact; to revoke the powers she had delegated to the United States and to assume her place among the powers of the earth as a sovereign independent nation. Smyth asked the question: "How could the bad faith of Massachusetts absolve Texas from her contract?" He goes on to say that a regularly elected convention is the only one that has the power to do what this Galveston Convention did.¹⁰⁰

100

Ibid.

In a letter to a Mr. Cushing, Smyth states his view further on the election of Abraham Lincoln:

...Let him take his seat and enter upon the discharge of his duties, as all others have done under similar circumstances. This, you will say, is submission! Very well...it is the kind of submission we were born to, and in the constant practice of which every good citizen and good man lives. The mere election of a president is no sufficient and valid reason for a revolution. Much as I deplore the election of Lincoln, irrespective of the manner in which he shall administer the government, it will furnish no justifying cause for revolution or secession--if that mode of action be preferred. Does the mere election of an officer of the government according to the constitution afford an excuse for secession? But waiting for the next session seems to be too slow for the progressive spirit of the age.¹⁰¹

101

Smyth to Cushing, November 12, 1860.

Because of this decided opposition to secession Smyth was placed completely out of the public eye after the Civil War started. But he continued to farm and to serve his state as best he could. He voluntarily gave to the Confederate Government five bales of cotton per year for the "duration of the war" to be used in making clothing for the soldiers.¹⁰² Smyth even accepted a Confederate office.

102

Smyth to Eddy and Adams (Confederate Government Agents), November 28, 1861.

He was appointed Deputy Depositor for Jasper county by Sam

Mosely, the Deputy Depositor, in the General Office Depository, Confederate States Sub-Treasury, Jefferson, Texas, on May 26, 1864.¹⁰³ It seems there are no records

103

Sam Mosely to Smyth, May 26, 1864.

today of Smyth's acts as Deputy Depositor, of Jasper County. However some duties assigned to Smyth are brought out in his letter, to General G. B. McGruder, of the Confederate States of America. McGruder had ordered one-fourth of the slaves to be set to work on the Sabine Pass and Beaumont Railroad. Smyth had already drafted half the slaves of Jasper County to cut wood for the same railroad. They had cut 2500 cords of wood, when half the male slaves between 15 and 50 years of age were sent to work on coastal fortifications. Now McGruder's order would leave the planters only one-fourth of their slaves. Smyth objected to this unfair use of Jasper County slaves. He continues:

Then you impressed all our mules, which you had no right to do. We only obeyed because you held the sword over our heads. Though only about half a crop has been made, we are giving our tythe of corn and meat to the army, while some among us actually suffer for the want of bread. Our sole aim is to support the army, our families, and the poor women and children left destitute by the war. In this county particularly there are many families whose husbands and fathers are in the army, or worse. I alone, it seems, must keep these families from starving, but

whether I am able to meet these new demands or not is a question of extreme doubt, if my last able bodied hand is taken from me at this juncture. We only ask a discount of labor in proportion to what we have done over and above other counties. We have always complied with orders believed to be for the good of our country, and will do so in the present instance if you require it. Whatever my private feelings may be with regard to it.¹⁰⁴

104

Smyth to General George B. McGruder, July 20, 1864.

Thus it was that Smyth served faithfully the Confederacy whose creation he had fought so bitterly. He could see the war coming before it came. He felt that it was unnecessary and wrong, but when called upon to do his part, he did all he could. He never objected until the government began to take his own property, his live stock, and his slaves, the only property he had to enable him to feed the starving women and children. He was too old to fight on the battle-field, yet it seems he fought a greater battle for the lives of defenceless women and children. The story of his life would indeed be full, if there were more complete records of this dark period of his history.

But the Civil War passed into history without another record to complete the picture. His final public service came in 1866, when his friends called him to go to Austin to represent them in the State Constitutional Con-

vention for the purpose of writing a Constitution that would be acceptable to the Federal Government.

George W. Smyth came promptly to represent Colorado and Jasper counties in the convention. He was now feeble and had to be assisted into the convention hall by Robert Norton, a close friend. His health was such that he had to use a cane at all times and the trip to Austin had so weakened him until he had to be helped about. His determination to see Texas a state in the Union once more was the driving force that kept the feeble old man out of bed. His first ballot helped elect J. W. Henderson president pro tem. The next day they elected J. W. Throckmorton president of the convention.¹⁰⁵

¹⁰⁵

Journal of the Texas Convention of 1866, 4, Austin, Texas, 1866.

The standing committees were appointed February 9. It was evident that the leaders saw that Smyth was feeble for his Committee work was light, he being placed on none except that on "The Condition of the State". The committee selections were completed on February 9, and the convention plunged into the discussion of whether to write a new constitution or adopt the one Texas discarded in 1861. Smyth was in favor of writing a new one altogether.¹⁰⁶ Smyth cast his last vote

106

Ibid., 14.

in the convention in favor of Frazier's motion that read:

Resolved, That the fate of the war having been settled, the question that the right of a State to withdraw from the Union does not exist, we, the Delegates of the People of Texas, in Convention assembled, seek to restore the state to its former relations to the Federal Government on the basis of such settlement, accepting the same as final, and renouncing the doctrine of secession as asserted by the ordinance adopted March 2, 1861.¹⁰⁷

107

Ibid., 44.

On the evening of February 20, 1866, his friend Norton assisted him to their boarding house. Smyth stated that he felt better and that he wished to stay in Austin until he had voted to revoke secession completely. A few hours later he died of heart failure, apparently while asleep. Norton found his body in a sleeping pose the next morning when he came to call him.¹⁰⁸

108

Ibid., 71.

On February 21, 1866, J. W. Throckmorton rose in the convention hall and announced the death of the Honorable George W. Smyth of Jasper County.¹⁰⁹

109

Ibid., 68.

Mr. Norton then offered the following resolution:

Resolved, That this convention has heard with unfeigned sorrow of the death of Honorable George W. Smyth, delegate from Jasper and Newton, and that a committee of seven be appointed by the President to draft suitable resolutions upon the subject, to be reported tomorrow morning at 10 o'clock.

Resolved, That this convention, as a body, will attend the funeral of the deceased, and that a committee of three be appointed to make arrangements for the same.

Resolved, That as a token of respect for the memory of this eminent citizen of the State, this Convention stand adjourned till tomorrow morning at 10 o'clock.¹¹⁰

110

Ibid., 68.

The President announced the following as the committees, in conformity with the resolution:

Committee on Resolutions--Norton, Taylor, Wilson, Johnson, Stuart, Latimer and Shaw.

Committee on Funeral Arrangements--Hancock, Shepard, and Walker.¹¹¹

111

Ibid., 69.

The Committee on Funeral Arrangements reported at 10 o'clock, February 22, that funeral arrangements had been made for the interment of the body in Austin. The funeral itself to be in the Capitol Hall at 3 P. M. They recommended

the programme that was carried out.

The Committee on Resolutions submitted the following report which represents both a statement of the high regard in which his associates held him and a resumé of his public service:

In the death of George W. Smyth of Jasper, we realize that Texas has lost one of her oldest and most useful citizens, whose name will ever be identified with the history of the State. Immigrating to this country in 1830, we find him acting as Commissioner under the Mexican government; subsequently, attending the second Consultation at San Felipe de Austin, and participating in its deliberations; a signer of the Declaration of Independence; a Representative in the Congress of the Republic, and a Signer of the Constitution of the Republic of Texas. He afterwards was a member of the Board of Land Commissioners, discharging the onerous duties of detecting the fraudulent claims, a Commissioner of the General Land Office, and a Representative in the Congress of the United States; in all of which positions he acquitted himself creditably, and to the entire satisfaction of the people of Texas.

He was one of the Deputies in the Convention of the People of the Republic of Texas, in 1845, and assisted in framing our State Constitution, and he had been chosen by his own neighbors and life-time friends, who best knew the soundness of his judgement and his great wisdom, to represent them in this Convention.

At this critical juncture, he was admirably qualified to act. Among all our delegates, there was not one of such enlarged experience--so cool, so thoughtful, and discreet, so well calculated to act judiciously upon the great questions of the living present, and those upon which our State existence depends.

Be it resolved by the people of Texas in Convention assembled, That, in the death of the Honorable George W. Smyth, of Jasper, a delegate in this Convention, the State has lost one of her ablest statesmen, who, by a long career of public service, had established a reputation for honesty, integrity and ability, endearing him to every Texas heart, and we regard his decease, at this important period, as a public calamity.

Resolved, That the delegates tender their heartfelt

sympathies to the family of the deceased in their bereavement; and, as a farther mark of esteem for their late associate, they will wear the usual badge of mourning for thirty days.

In submitting this resolution, Robert Norton addressed the Convention as follows:

...It was not as a public man that he was valued and esteemed. It was as a private citizen, a neighbor, a friend, that he was cherished. Modest and unassuming, never thrusting his opinion upon any man, always expressing himself decidedly when called upon to express an opinion, with no hesitation, no concealment, and no disguise, he passed through an eventful life in our state without having made a single enemy. He commanded respect and admiration by reason of his virtues. And, Sir, loss of such a good example is a public calamity.

When I left Jasper, Mr. Smyth was confined to his house, upon a sick bed. Two days before I left, the physician had stated that it was impossible for him to recover, and his decease was daily expected. It was the general wish and desire of the people in that section that he should be present in this Convention; and Sirs, when I heard that his health had taken a favorable turn, I sent a request that he would be present...even though he were here but a day, that we might have the influence of his name in our deliberations, to give the same weight and character, by reason of his national reputation.

Upon making his first appearance here, he came to me and remarked that he had received my request, and that he had determined to attend this Convention. He said that he had been greatly fatigued by two night's traveling in the stage, but trusted he would recuperate, and be able to attend the sittings of the Convention; that he had come here from a sense of duty he owed the State; and, Sirs, it can be truly said, that he sacrificed his entire life to the public interests. But a short time in this Hall, and but a few days with us, he took no active part in our deliberations.

On the Sessions of the Committee on the Condition of the State, he was constant in attendance, and there he preserved his uniform silence, taking no part in our

discussions, but voting promptly on every proposition that came up. In conversation, he expressed his desire that we should act harmoniously in this convention, and take such a course as would result in the speedy restoration of our rights in the General Government.

After the majority of the committee had determined to annul the Ordinance of Secession, he expressed his desire that we should place upon paper the views we entertained upon this subject, and in a minority report bring the matter fairly before the Convention. He particularly wished to place upon record his views, and vote to revoke secession and then he would be content.

After making these remarks, he said he felt better than he had since his arrival at the Convention. I was glad to hear it. So we parted. A few hours passed by and my friend's lamp of life was gone on... He came here to discharge his duty to the people of the State and, as he had taken an active part in the Convention of 1845, which caused Texas to be admitted to the Federal Union, he desired once again to have the proud satisfaction of seeing her recognized again as an equal in the Union.

A true friend of the Constitution and the Union, who was willing without a murmur to give what he had for the Confederate cause, it may be said of him truly, that he was an honest man..."¹¹²

¹¹²

Ibid., 70-72.

Judge O. M. Roberts, one of the leaders in the Convention, said on this occasion:

In the death of George W. Smyth one of the pillars of the old Republic of Texas has fallen. It reminds me that there are now few men living who stood as compeers with him in this country in the days of my youth. Twenty-five years ago I knew him as one of the standards of the Republic of Texas...The great beauty of his life, as has been said, was in his private life. He was honest in all its senses! He was sincere! He was truthful and generous! His mind held to the great truths in guidance of his public life. He collected and matured intelligence and information that few men in this life have amassed.

There is one peculiar principle of his character that deserves to attract our attention, because it is

worthy of our own emulment in all time to come. It is that he never sought an office, and that his fellow-citizens thought him so worthy as to continually obtrude official positions upon him. It is that he had no ambition to occupy these positions for mere positions' sake, but, an inordinate ambition to do his duty in every position of life.

I will relate one simple instance to illustrate his character:

Upon one occasion his fellow citizens called upon him to become a candidate for the Legislature. On the morning of the election he was going from his residence to town and a neighbor asked him:

"Where are you going?"

"I am going to town."

"What is to be done in town today?"

"Nothing, I believe, but the holding of the election."

"Who are the candidates?"

"I believe my friends are running my name as a candidate."

"If that is the case, I will go to town with you, and vote for you."

His own neighbors did not know he was a candidate, but he was elected by an overwhelming majority.

When the country needed his services as Commissioner of the General Land Office, they had to send for him, and when he arrived in Austin, he came up in his farmer's home-spun.¹¹³

¹¹³

Ibid., 74-75.

It was not the great leaders alone who made Texas what she is today, but common men like this humble man, who were willing to serve their lives in quiet patient faithful and un-rewarded work for the common welfare of their adopted country. As Mirabeau B. Lamar remarked, it is certainly true that Democracy is based upon the cultivated mind of the common man.

Smyth was a curious mixture of sensitiveness, timidity, reserved quietness and dignity. His personality shouted truth and wisdom from the house tops. He so thoroughly "looked the part" that men were drawn to him even at sight. He had that statesman like appearance that compelled recognition by his neighbors and friends. Anyone looking at his picture, it seems to me, would be reminded of Henry Clay. But unlike our great mediator he, so far as the records show, was never willing to argue with any man. Surely such Christian civilities as these had a compensation.

BIBLIOGRAPHY

PRIMARY SOURCES

Manuscript Material

Bexar Archives. A large collection of documents gathered at San Antonio during the Spanish era, now in the University of Texas Archives, Austin, Texas.

Land Records of Texas. Letter Books, IX, X.-- Many others examined.

Nacogdoches Archives. These are documents gathered at Nacogdoches during the Spanish era.

Smyth Papers. This is a collection of about four thousand manuscript pages of letters, memoranda, receipts, notations and various materials saved by George W. Smyth. The collection was recently given to the University of Texas by some of Smyth's descendants. The collection is full for certain periods; but for other times, occasionally periods of several year's duration, the collection contains almost nothing bearing on the life of the collector. In spite of their limitations, however, the papers contain a great deal of material bearing on Smyth and his times and they have been used as the principal source in this study.

Printed Matter

Barker, E. C.(editor) The Austin Papers (Volumes I and II). Annual Report of the American Historical Association for 1919, Washington, Government Printing Office, 1924. The third volume of the Austin Papers was published by the University of Texas, 1927.

Congressional Globe, XXVIII, Part I, The first session of the Thirty-Third Congress (John Rives, editor). Washington, 1853.

Gammel, H. P. N. The Laws of Texas. (ten volumes). Austin, 1898.

(Bibliography, Continued)

- Garrison, George P., (editor), Diplomatic Correspondence of the Republic of Texas. Annual Report of the American Historical Association for 1907, II and Report 1908, II (Washington, Government Printing Office, 1908, 1911).
- Gray, William Fairfax, From Virginia to Texas. Houston, 1909.
- Journal of the House of Representatives of the Texas Republic, Ninth Congress, 1844.
- Journal of the Constitutional Texas Convention of 1845, Assembled at Austin, July, 4, 1845. Houston, Texas, 1846.
- Journal of the Texas Convention of 1866. Austin, 1866.
- Journal of the Joint Commission to Survey the Texas Louisiana Boundary, 27 Congress, 2 Sess, Senate Document No. 3.
- E. W. Winkler, (editor), Secret Journals of the Senate of the Republic of Texas, 1836-1845.

SECONDARY ACCOUNTS

Printed Material in Books

- Barker, E. C., The Life of Stephen F. Austin, Dallas and Nashville, 1925.
- Brown, John Henry, History of Texas, 1685-1892. St. Louis, 1892.
- Edward, David G., History of Texas. Cincinnati, 1846.
- Johnson, F. W. (edited and partly written by E. C. Barker and E. W. Winkler), Texas and Texans (five volumes), Chicago, 1914.
- Lubbock, Francis R., Memoirs of Francis R. Lubbock. Dallas, 1914.
- Marshall, T. M., History of the Western Boundary of the Louisiana Purchase, 1819-1844. Berkeley, 1914.

(Bibliography, Continued)

Wortham, Louis J., A History of Texas: from Wilderness to Commonwealth (five volumes). Forth Worth, 1924.

Yoakum, Henderson, History of Texas From its First Settlement to Annexation. New York, 1856.

Printed Material in Periodicals

Barker, E. C., "Land Speculation as a Cause of the Texas Revolution", in the Southwestern Historical Quarterly, X, 76-96.

Rather, Ethel Zively, "Explanation to the Public Concerning the Affairs of Texas", by Citizen Stephen F. Austin", The Southwestern Historical Quarterly. VIII, 240.

Newspapers

Texas State Gazette, San Felipe, 1830-1835.

National Intelligencer, 1853-1855.

